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THE FIRST APPORTIONMENT OF FEDERAL REPRESENTATIVES IN THE UNITED STATES.

The proper basis of apportioning or dividing representation in political assemblies among the various units entitled to membership in such bodies has become one of the most difficult questions in the working of representative government. Whether population, or wealth, or social position, or profession should be accepted as the fundamental principle, or some basis combining one or more of these, is still a mooted question in every civilized country.

The tendency of late, indeed, has been toward recognizing the principle of population as the most important and fundamental one. Of the large nations, however, only France and the United States have as yet gone very far toward the actual realization of such a principle; while the United States, though the first to recognize the principle in the construction of its national government, is still very far from carrying it to its legitimate consequence.

So long as representative assemblies were simply a means of controlling the government, and confined their functions largely to granting or refusing taxes, or vetoing or approving laws or codes previously prepared by the government,

as was so long the case in England, it made little difference how they were constituted. So long as the controlling classes of society are sufficiently represented by typical members, to make sure that the general sense of the nation is expressed; so long as the political consciousness of the great mass of the people is still in an undeveloped state, so that the majority of the population is willing that the minority should make their laws and administer the government: the question of assigning representatives, though not always a simple, is scarcely ever a dangerous question.

As soon, however, as legislatures themselves begin to act independently of the government in framing laws and in determining policies; as soon as they begin to control and, certainly when they begin to make and unmake, the governments themselves, then it becomes a matter of high importance that every class of the community shall be fairly represented; since in the struggle of interests in such bodies, unrepresented classes are likely to be placed at a disadvantage. It is no mere accident that the political consciousness of the people should have been gradually aroused, as in England, as a result of this very struggle for representation in an assembly which had come to be the chief instrument for lawmaking and law-unmaking. Indeed, this very struggle itself had, perhaps, more to do with turning the attention of the various classes concerned to the necessity of taking an active part in politics than any other one circumstance.

Other elements, however, were also of great importance. The whole intellectual movement of the last century in Europe and America was in its political tendencies steadily toward the view that every individual member of the nation is a citizen and, as such, is entitled to have his interests adequately represented in the lawmaking body of the country. Since the general adoption of the representative system in modern Europe, since the era of the French

Revolution, the tendency has been to realize this principle by organizing a legislative assembly in which the nation shall be represented on the basis of population, though nowhere has this tendency been able to work out its logical result.

The United States in its Federal Government was the first nation of any importance to accept fully the principle of national representation on the basis of population in the constitution of its Lower House. It might have been a long time before the nation would have accepted this principle had it not been for the peculiar circumstances under which the national government was formed. The state governments had been largely growths, and slow growths at that, and thus had not been compelled to face the problem of a readjustment of representation in any acute form; but the Federal Government, was a new creation, and had to adopt and put in operation some definite principle as a preliminary to the organization of the government itself. The states have not even yet all modeled their governments on the principle then accepted by the nation for its federal form, though the example of the latter has worked steadily to shape and reshape the former.

The struggle over the basis of representation in the Constitutional Convention of 1787 was long and acrimonious. The fact that colonial governments, later state governments, were in existence which had gradually become more and more independent of any superior authority, made it impossible to adopt a consolidated national government without a struggle, which would probably have resulted in a civil war. A federal form with a large degree of state autonomy was therefore the only practical form of national government. As some of the states were very large and populous, while some of them were very small and only thinly populated, it was evident that a national assembly based on population alone would not be acceptable and could not be adopted by the free consent of all the states. The proposition to give

to wealth a specific representation commanded practically no support. The compromise accepted was a double chamber system. One House was based on the recognition of the political units called states, giving to each state the same absolute number of representatives. The other House, while recognizing the states as political entities, was based on a distribution of members among them according to population. Thus, our House of Representatives was the first considerable legislative body in the world based upon a numerical representation of the population of the nation. Provision was made for keeping the body upon this basis by prescribing in the Constitution that a census should be taken every ten years, implying thereby, although not explicitly commanding it, that a reapportionment of the members of this House should be made in pursuance of each census.\*

It would be a mistake, however, to suppose that even in the House of Representatives the principle of numerical representation was carried through exactly. The application of the principle was confused, and thwarted by two things: first, the existence of slavery and the compromises connected with it; second, the recognition of the states as political units in the distribution of representatives.

The slaveholders maintained that the slaves should be counted in computing the population for purposes of repre-

\*How important such a constitutional provision in regard to the reapportionment of representatives is to the actual preservation of the numerical principle may be seen in the history of the German Reichstag. The German Constitution provides for a representation based upon population, but the Reichstag, in the actual distribution of its members, is very far from corresponding to such a system. The Parliamentary election law adopted by the German Confederation in 1867, which in this respect is still in force, adopted a representative unit, or ratio of 100,000, which made a House in 1873 of 397 members. The population at present is over fifty millions, and would call for a House on the same basis of 520 members, but no change has been made since 1867, except such as was occasioned by the accession of the South German States and the annexation of Alsace and Lorraine. The electoral districts are many of them based upon the provisional apportionment of 1848, so that it is not too much to say that the actual distribution of members in the German Reichstag of to-day is based upon the distribution made fifty years ago. Thus, although in form it is a House based upon numerical representation, it has long ceased to be such as a matter of fact.

sentation. Their opponents objected to this on the ground that as slaves were property, pure and simple, and not persons, such a scheme would be a practical recognition of wealth as the basis of representation, which all parties had agreed to reject. Since the insistence by each party on its extreme view would have prevented the peaceful organization of a national government, a compromise was finally effected, according to which five slaves should be counted as three free persons in computing the representative population. As a part of this compromise, it was further provided that direct taxes, before being collected, should be apportioned among the states on the basis of the representative population.

With the disappearance of slavery, the apportionment of representatives became purely numerical in principle so far as this feature was concerned, since the actual population was now equal to the representative population. But the other difficulty in the way of applying exactly the principle of numerical representation, namely, the recognition of the states as such in the process of apportionment, still remained.\*

\* It is of course a still more important point in discussing the subject of representation in the United States not to lose sight of the fact that, inasmuch as the representation in the Lower House was to be assigned upon the basis of population, while the states were left to determine entirely for themselves who should be entitled to take part in the choice of representatives, the question of whether the national House was a more or less truly representative body turned always upon the policy which the states adopted in regard to the elective franchise. If any state limited the right to vote to a small class, or if it intimidated and drove away from the exercise of the right to vote any considerable number, it would thereby increase the proportional value of each vote belonging to those who possessed the franchise, as compared with similar persons in other states. The latter was exactly what happened at the close of the Civil War in the Southern States. The representation was considerably enlarged over what it had been in the days of slavery, for five negroes were now counted as five persons instead of three, and as the white population determined to prevent negroes from voting, and actually did so in those states where their numbers threatened to swamp the white vote, the relative power of the white man's vote was very greatly increased over that of a corresponding person in states where no such policy was followed. The same thing is accomplished by a law limiting the right to vote to those who can read and write, or those who possess a certain amount of property. This consideration, although extremely important in a study of the question whether our scheme, as at present worked, is a truly representative one or not, does not fall within the scope of this paper.

The Constitution provides that the total number of representatives shall be distributed first among the states on the basis of their respective numbers. This means that the states themselves are the primary representative districts, and that in constructing representative districts, no state line should be crossed, that parts of two or more different states should not be combined in the process of making districts, etc.\*

A moment's reflection will make it plain that such a provision makes impossible the exact application of the numerical principle of apportionment. If it were made the duty of Congress:

1. To determine the number of members in the House of Representatives;
2. To divide the whole population of the country by such number in order to ascertain the number of people entitled to a representative;

\*In the early laws regarding apportionment, the states were so plainly regarded as the primary representative districts that Congress did not undertake to make any other sub-division at all, nor to require the states to make any sub-division. The actual sub-division of the states is left entirely to the individual state governments; although Congress has since 1842 provided by law that the state governments should divide the states into a number of districts equal to the total number of representatives to which they are entitled. The history of the action of the states in this respect is an interesting one.

New Hampshire did not sub-divide the state until 1824, when the state was divided into single member districts for one election. In subsequent elections no sub-division was made until after the census of 1840, when the single member district system was adopted and has been observed since.

Connecticut seems to have followed the general ticket system with no sub-division until 1835.

Pennsylvania followed sometimes one system and sometimes another, combining oftentimes several plural member districts with single member districts.

New Jersey seems to have followed something of the same plan, though it adopted the general ticket system from 1813 to 1842.

Virginia seems to have been consistent in the application of the single member district system after the year 1802.

Georgia seems to have followed the general ticket system, with no sub-division into districts until 1843.

The early states, with the exception of the original thirteen, seem to have followed different systems, but it was evidently taken for granted by all parties that the states were allowed by the constitution to do as they chose in this matter, and the law that Congress passed in pursuance of the census of 1840, requiring the division into single member districts, aroused a great deal of bitter feeling.



3. To divide the whole country into a number of districts equal to the number of the House, each containing the population entitled to a representative;

And if in doing this, it were authorized to disregard state, county, city and other existing lines of political division, it might be possible to make an exact apportionment upon the basis of numbers.

If, however, it must regard existing lines, it is evident that such an exact distribution will be impossible, owing to the fact that members themselves are not divisible, while population numbers are not likely to be round.

In one case only might it be possible, even under such conditions, to make an exact apportionment. The case, however, is so little likely to occur that it may be dismissed as, practically speaking, impossible. Thus, if the population of each state, as ascertained by the census, should, as a matter of fact, bear the same exact ratio to the entire population of the country as the representatives assigned to it bear to the total number of representatives in the House; or, to put it differently,—if a common divisor could be found which would divide exactly the total population of each state in such a way that the sum of the quotients would be equal to the total number of members in the House, then an exact assignment on the basis of numbers could be made under the present Constitution. Thus, suppose that six states have populations as follows: A, 100,000; B, 200,000; C, 300,000; D, 400,000; E, 500,000; F, 600,000; and that the number of persons entitled to a representative be 100,000; it is evident that an exact assignment could be made in strict proportion to population; giving to A 1; to B 2; to C 3; to D 4; to E 5; to F 6. But no such exact multiples of the unit of representation have ever been returned by the census or ever will be. There will always be remainders after dividing the population of the state by the number of people entitled to a representative, and so long as this is true, an exact division on a numerical basis is

impossible, if state lines must be observed in the process of apportionment.\*

It might seem at first glance as if the assignment of representatives, the basis of representation being agreed upon, would be a very simple matter;—a mere matter of arithmetic, indeed. And so it would, if the national territory could be divided simply with reference to the apportionment itself; or, if the population numbers of the different states would arrange themselves in such relation to each other, and to the population of the union, as a whole, as would enable an exact assignment to be made; neither of which suppositions is realized under our present system as noted above. It might seem also as if the question itself would be in any case of comparatively little importance, since the difference in representation could never amount to so very much after all. In the most extreme case, it could only mean that a state would have a number of people unrepresented which is less than the number entitled to one representative. In the case of a large state with many representatives, this would become so slight a matter that it might be neglected with propriety. In the case of a small state, it would seem to be more serious, but as apportionment is often made under our system, the unrepresented portion would not probably always be large, and a large unrepresented remainder at one time would be balanced, or offset, by a small unrepresented remainder at another. In any case, such a state would have relatively so large a representation in the Senate, as compared with the other states, that it might well be content with being at a little disadvantage in the House.

\*It is worthy of note that exactly the same difficulty has arisen in the discussion of assignment of representatives under the minority or proportional representation plan among the various parties entitled to representation. If the parties would cast their votes in such a way that the number of people entitled to a representative should be exactly contained without remainders in the vote of the different parties, then an exact proportional assignment, or distribution, could be easily made. But political parties are so obstinate that no such vote casting has ever occurred, except in purely hypothetical calculations in academic discussions. The method of solving this question has come to be one of the most prominent characteristics of different schools of proportional representation.

This seems to have been the view of the men who drafted the Constitution,—if, indeed, they ever thought of the matter at all; for there is no indication that this subject was discussed, either in the Constitutional Convention or in the ratifying conventions, or in the pamphlet literature of the time, either before or after the adoption of the Constitution. It would seem to have been taken for granted that after the basis of apportionment were once accepted, the mere details of assignment in accordance with the population would be so simple as to offer no difficulty.

And yet, the settlement of this question, simple as it appears, rocked the Government of the United States to its foundation within three years after it was organized. It gave rise to the first constitutional debate, in which the value of the union itself was openly canvassed. It occasioned the President and his advisers the greatest anxiety; it called forth the first presidential veto; and was finally decided in accordance with a principle, which, after being accepted for fifty years, was ultimately rejected as being unconstitutional and unfair. The subject, therefore, is certainly not without interest to the student of political science.

The first session of the Second Congress of the United States met at Philadelphia, Monday, October 24, 1791. One of the first subjects of discussion was the apportionment of representatives in pursuance of the census of 1790. The returns were all completed except those from South Carolina, which were not finally declared until early in 1792.

The discussion of apportionment was begun during the first week of the session, and continued until the twenty-fourth of November, when a bill was passed in the House by a vote of 43 to 12, giving to each state in the union one representative for every 30,000 of its population, disregarding any remainders or so-called fractions which might occur. The bill was then sent to the Senate. After a fortnight's discussion, on December 8, the Senate by a vote of 13 to 12, the Vice-President giving the casting vote, amended the

House bill by substituting the number 33,000 for 30,000, leaving the rest of the bill unchanged. This the House, after a long discussion, refused to accept on December 14. On December 15 the Senate, by a vote of 13 to 12, the Vice-President giving the casting vote, declared its intention of insisting on the amendment. The House again discussed the subject at length, ending on December 19, by another refusal, by a vote of 32 to 27, to accept the Senate amendments. The Senate, on December 20, again considered the question, but decided by the same vote as before, the Vice-President giving the casting vote, to adhere to its amendment. The House then dropped the matter and the bill was thus lost. It is interesting to note that the bill which ultimately became a law was this first House bill as amended by the Senate.

On January 6, 1792, the House resolved to appoint a committee to bring in a bill relating to apportionment. A proposition relating to the subject was discussed January 24, and a committee was appointed to report a bill according to certain directions of the House. The bill was reported Thursday, February 7, and, after a discussion which took a wide range, it was passed February 21 by a vote of 34 to 16. The bill was similar to the first bill passed by the House, accepting a ratio of 30,000 to be divided into the population of each state, disregarding fractions, in order to determine the number of representatives to be assigned to the state. Coupled with this, however, was a provision for a new census, and a new apportionment in 1797, the House evidently hoping to persuade the Senate to accept its proposition by holding out the inducement of a speedy reapportionment.

The Senate discussed the bill from February 21 to March 12, and passed it on that date by a vote of 14 to 13, amended in some important respects. The Senate struck out the provision for a new census. The representative number 30,000, proposed by the House, was accepted, but instead

of giving to each state one representative for every 30,000 and no more, it gave one additional representative each to the eight states having the largest remainders or fractions. The method pursued in determining the number was not indicated in the bill, but either of two ways amounting to the same thing on the whole may have been pursued. Accepting 30,000 as the representative unit and dividing it into the population of the different states, as indicated by the census of 1790, would give a certain number of representatives amounting in all to the number 112, supposing that South Carolina was to have six. Then, adding together the remainders, or unrepresented fractions, in the different states, it would be found that nearly 260,000 people were still unrepresented,—that is, a number equal to somewhat more than eight full ratios. Eight members would then be distributed, by giving them to the states having the largest remainders.

Another method of reaching the same end would be as follows:

Accepting 30,000 as the representative ratio, it might be divided into the total population of the union, which, according to the census of 1790, was 3,615,937, in order to determine the total number of members in the House. This would give 120. Then dividing the population of each state by 30,000, and assigning a number of representatives equal to the respective quotients, 112 members only would be assigned, leaving eight members, the difference between 112 and 120, to be assigned to the states having the largest remainders.

The House, after discussing the bill, again refused, by a vote of 31 to 30, to accede to the Senate amendments, and on the seventeenth of March requested a conference with the Senate. A conference committee was appointed, but on March 22 it reported in both Houses that no agreement could be reached. The Senate then voted to insist on its amendments by a vote of 14 to 13. On the next day the

House finally accepted the Senate amendments by a vote of 31 to 29, and on March 28 the bill was sent to the President for his signature.

Having kept the bill as long as he could without its becoming a law, the President returned it with his veto on April 5. On the next day an attempt was made to pass it over the President's veto in the House, which failed, since only 33 votes could be obtained for it, which was not the required two-thirds.

The House then, on April 10, drafted a third bill, incorporating the principle of the Senate amendment to the original bill as passed by the House, which was accepted by both Houses, and signed by the President on the fourteenth of April. It provided for giving to each state in the union one representative for every full ratio of 33,000 and no more, giving a House of 105 members.

The opening debate in the House of Representatives on the first bill evidently covered a wide range of considerations, though the report of the debate in the *Annals of Congress* is so meagre that we cannot be sure of the relative prominence which these various considerations assumed in the minds of the members of the House, and we are somewhat dependent on outside sources for an adequate account of the course which the discussion actually took. The debate was more largely academic in character than at a later time, and an air of calmness and deliberation prevailed which soon disappeared.

There seems to have been no difference of opinion at the beginning as to the proper method of assigning representatives. It seems to have been almost taken for granted by the members of the House that the first thing to do was to decide what number of people should be entitled to a representative, or, in the technical language of the discussion at that time, and subsequently, what number should be taken for the representative unit or ratio. Having determined this, the next step was to divide this number into the

representative population of each state, assigning to each state a number of representatives equal to the number of times its representative population contained the representative ratio. The size of the House then appeared by adding together these various quotients. As individual representatives could not be divided, it was evident that any remainder left after dividing the representative ratio into the representative population of the state would have to be disregarded. This remainder came to be known technically as a fraction, and was spoken of as an unrepresented remainder, or an unrepresented fraction. So evident did it seem to the House that this method was a simple, logical and the only proper one, that no provision looking to a different method of assigning representatives seems to have even been suggested in this first debate.\*

It is not probable that any other method would have been proposed at any stage of the debate if, as a matter of fact, the population numbers of the different states had been so related to each other that an exact common divisor could have been found which, being divided into the population of the respective states, would have left no remainders. And it was only because the number 30,000, or indeed any other number proposed, was so far from being an exact common divisor that the question, by what method the inequalities of an assignment made upon such a basis could be remedied, became a burning one.

There was a decided difference of opinion in the House as to the number of people to be taken as the ratio, and that for very different reasons. Some members were in favor of

\* Jefferson in his letter to the President, advising him to veto the bill as it lay before him, makes much of this point, and argues that it was not until a later period of the discussion, when some members saw a chance to gain something for their own states by adopting a different method, that any other plan was proposed. The answer to Jefferson's argument is of course plain. The longer the matter was discussed, the plainer did it become that the so-called simple and natural method resulted in a decided inequality of representation, and thus in a violation of the constitutional rule that representatives should be apportioned according to population.

fixing upon a relatively large number as the representative ratio, thus obtaining a relatively small House; others were in favor of taking a small representative ratio, thus obtaining a relatively large House. The greatest difference, however, between the two extreme ratios seriously proposed would not seem to us, judged by our present standards, to be very much, or the matter whether one or the other was taken to be of very great importance. It is difficult for us to understand, without an examination of the circumstances, how this difference of opinion could have occasioned such a tempest as actually arose. The Constitution in Article I, Section 2, Clause 3, declares that, "The number of representatives shall not exceed one for every 30,000, but each state shall have at least one representative."

One or two members proposed a ratio of 50,000, but no serious proposition supported by any considerable number of members was made looking toward a larger ratio than 40,000; so that the choice lay between 30,000 and 40,000, and a House of 112 members and one of 82, respectively.

Different members favored taking as the ratio one or another of the round numbers between 30,000 and 40,000 on different grounds. Upon dividing the representative population of each state by the round numbers from 30,000 to 40,000, respectively, it was found that in the case of some of these numbers there were fewer remainders and consequently a smaller unrepresented population than in the case of other numbers. That is to say, that some of these numbers were found to be more nearly true common divisors than others. The number 33,000 was a favorite unit, because it left, relatively speaking, a comparatively small number of unrepresented people, while it allowed a considerable increase in the size of the House, and those members whose attention was fixed upon the question of an equal and fair distribution naturally inclined to favor this number. Other members, who were impressed by the desirability of having as large a House as possible favored 33,000 rather than 40,000,



because it gave a House of 105 instead of a House of 82. But they favored still more the number 30,000 because it gave a House of 112 instead of a House of 105, and they were more moved by the advantages of a large House than by the disadvantage of a more unequal distribution of members.

There was another consideration which ought not to be lost sight of, for it has been of permanent influence in determining the ratio in every successive apportionment since 1792. It was found that, according as one or the other of these numbers was taken as a divisor, one or another state, or one or another section, would gain or lose a representative, and there is no doubt that this fact had weight with the members of the House in this very first debate, although it did not become nearly so prominent as at a later period of the deliberations.

According to the report of the proceedings, the question of the justice or injustice of having large unrepresented fractions was raised at a very early period and was evidently considered in the committees as well as in the House, in all its different aspects, for in the second debate on the bill, as amended by the Senate, Mr. Madison declared that the whole subject of fractions had been thoroughly threshed out in the first debate, and that no new considerations had been introduced of sufficient importance to lead the House to alter its mind upon this important subject.

As to the question of adopting some other method than that of simply dividing the representative ratio into the various populations, disregarding fractions, which should come more nearly to producing a distribution of representatives in accordance with population, there seems, as said above, to have been no proposition whatever, for when the bill came back from the Senate amended by striking out 30,000 and putting in 33,000 and the argument was advanced that the Senate had been moved to this step by the fact that in this way the unrepresented fractions were reduced to a

much smaller total, Mr. Benson remarked that there was another possible way for assigning representatives which, if it had been thought of in time, that is during the first debate in the House, might have commanded the assent of all the members. He then proceeded to set forth a method which had been proposed in the Senate as an amendment to the bill, but which had been voted down. It was ultimately incorporated in the second bill as passed by the two Houses, and vetoed by the President. It is fully set forth on page 11 above.

The sentiment of the House during this first debate was very plainly in favor of the largest House which was allowed by the consitutional method of assigning one to every 30,000 of the population. The debate upon the question of whether the House should be a large or small body, although, as said above, rather academic and theoretical than practical in character, is of interest as throwing some light upon the experience of the country in representative institutions up to that time. Those who favored a large House argued as follows: In the first place, in a country as large as the United States was at that time, with a population so scattered throughout its extensive territory, the only way in which a fairly adequate representation could be secured was by having a large number of representatives, and, consequently, a comparatively small body of constituents to each representative. It would make but little difference in a thickly populated country whether a man represented 30,000 or 150,000 people, for it would be possible for him to become more or less well acquainted with the needs and wishes of a very large population. But in a sparsely settled country, it would be simply impossible for the representative to get over his district in such a way as to obtain an adequate view of the conditions, needs, wants and wishes of his constituents. It was also urged, that in a small constituency it would be possible for the individual members to become more thoroughly acquainted with the character and ability

of their representative, and they would thus be enabled to exercise a more effective check upon his actions.

It was, moreover, in the opinion of some members, necessary just at this time to build up in the House a make-weight against the overwhelming influence of the President and Senate. The latter were both removed, by indirect election, from immediate control by the people. They had both been invested with very superior authority to that of the House. By their position, they occupied naturally a larger place in the public eye, inspired more respect and reverence and, by that fact, enforced their will more easily as against the House. The only way to remedy this was to make the House itself so closely representative of the people, so plainly and distinctly a mouthpiece of the popular will, as to check, and, if need be, overawe the executive and the Senate. This could not be done with the relatively small powers assigned to the House in any other way than by making it so numerous that it would become by that mere fact more distinctly than either of the other factors the representative of the people. This would enable it to speak with authority in any case of dispute between itself and other branches of the government.

There was still another point. It was necessary at the time to enlist a warm popular support in behalf of the new government. This could be done only by increasing the number of representatives in such a way that each individual citizen would feel that he had a direct and important share in the choice of this body, and by multiplying the members in such a way that they would be enabled to reach and influence every citizen of the United States in favor of the government of which they formed a part.

There was, moreover, unfortunately, a very strong popular suspicion in the states of the character of the new government. It was looked upon as likely to become oligarchical in its instincts and actions because of its small size as compared with the large number of people whose interests were

to be subverted. The only way to disarm this feeling of suspicion and to enlist a public interest and public support in behalf of the new government was to show once for all that it was to be made popular as rapidly as possible and to be kept popular in all time to come. If the tendency should be to make the House a comparatively small body, and keep it so, as the population grew the smaller states would even lose representatives absolutely, which could only result in rendering them still more restive under the feeling that their interests were not being adequately cared for in a body which was practically under the control of three or four of the larger states.

There was another, and perhaps a no less important consideration. The people of the country were used to large representative chambers. They had experienced in their own history how the English government, when it was concerned about diminishing the share of the people in the government of the colonies, always made as its first step a reduction in the number of representatives chosen by the people. They had, consequently, come to feel that popular safety and popular liberty lay in a numerous representative branch. The legislatures in all of the states were larger than the House of Representatives. From one to four hundred was no uncommon number. Having worked out in their own experience chambers of such size, they would naturally look in the national chamber for some expression of this same experience.

Finally, entirely aside from the arguments which might be advanced in favor of a large House, there was no doubt whatever that whether reasonable or unreasonable there was a strong popular demand for as large a House as the Constitution would allow, and that this demand must be met.

That there was such a demand was evident from the following considerations:

The discussion in the Constitutional Convention itself showed that there was very general suspicion and hesitancy

in the way of allowing the Congress to decide this matter for itself. And during the discussion upon this subject, although it was proposed to limit the size of the House by constitutional provision in such a way as to make and keep it a small body, the provision actually inserted into the Constitution at the suggestion of President Washington himself, that the number should not exceed one for every 30,000 of the population, showed, considering the circumstances under which it was adopted, that the general expectation was that, for the present at least, that number should be taken as the representative ratio. There was an added circumstance that the number finally settled upon was supposed to represent about one for every 30,000 of the population.

When the Constitution went to the individual states for ratification, there were few points more exhaustively discussed than that relating to the size of the House of Representatives, and at least five states had ratified the Constitution with a distinct recommendation that this provision of the Constitution should be altered. Finally, when the first Congress assembled, the very first proposition for an amendment, adopted by two-thirds of both Houses and sent to the individual states for their ratification, was one concerning this very subject, and providing for a large House in such a way as to prevent Congress from diminishing the number. The pamphlet literature of the time, moreover, was full of evidence that there was considerable public excitement upon the subject, and the general demand that the House of Representatives should be made as soon as possible a larger body.

To the objection that might be made to a large House that there would be difficulty in the way of its transacting the business with proper dispatch, it was answered that, as nobody proposed to have a House of more than 112 members, that argument would of itself seem so ridiculous as to be hardly worthy of consideration, since no one would suppose a House of such size to be in any sense unwieldy.

There was, moreover, another consideration which ought not to be overlooked, and that was the growing influence of the money power, as illustrated in the rise of the bank, and other similar evidences, and a consequent danger that this power would influence the deliberations and policy of the national government. A small House would make it possible for the bank, by the proper distribution of shares and the utilization of its influence in other directions, to corrupt a sufficient number to secure such legislation as it desired, no matter how opposed it might be to the interests of the country as a whole.

Those who opposed any considerable enlargement of the House joined issue on almost every one of these points. They admitted that the subject had been discussed very fully in the Constitutional Convention, in the ratifying conventions, in Congress and in the pamphlet literature of the time, but they insisted that while the voice had been heard of those who were in favor of a large House, that the other party, which really made up the bulk of the nation, had not expressed its sentiment at all. The result was that after all the discussion a limit had been set upon the size of the House by the constitutional provision showing that there was some fear of Congress unduly enlarging it. The action of the ratifying conventions could not be adduced as conclusive, since the eagerness of those who favored the Constitution led them at many points to agree to proposals for amendments which they did not regard as desirable or feasible, relying upon the good sense of the representatives of the people at a subsequent date to dispose of such propositions. And even so, five states only had expressed any desire whatever on this subject. As to the amendment which had been adopted, it was perfectly well known that Congress had accepted all the amendments, not because it was convinced in all cases that they were wise, but because they wished to dispose absolutely of the charge that they were unwilling to leave the matter to the people for decision;

and, as a matter of fact, up to that time a majority of the states had not acted upon this amendment and probably never would. As to the pamphlet literature favoring a large House, that was no argument at all, since those who were in favor of a change would naturally be the ones to stir up agitation, while those who were satisfied with the present provision, and opposed to a change would naturally not trouble themselves about the matter until it should become a serious question, which at present it was not. As to the merits of the question, if Congress should now undertake to enlarge the House of Representatives to the full limit of the Constitution, it would set an example for subsequent congresses which it would be difficult for them to refuse to follow, and the House of Representatives might easily become such an unwieldy body as to permit of no efficient consideration of the public needs. It would tend to become a mere mob. As to the small constituencies being more able to judge of the abilities and character of their representatives, it was a well-known fact that the smaller the constituency, the smaller the calibre of the man chosen in it, and that the only way to secure really first class men in the representative chamber was to make the constituency so large that there should be an adequate supply of such men available for the work. It would be far easier to get sixty-five or seventy-five of the ablest men of the country into a small representative chamber than it would be to get the same absolute number of men into a chamber of 200 or 300, and the relative power of this class in a large chamber would, of course, be far smaller. There was, moreover, a general fear in the country at large of a tendency to extravagance and large appropriations on the part of the Federal Government, and to increase largely the representation at the present time would be to burden unduly the budget of the government, which was already in financial difficulties.

The smaller states which might, in course of time, lose some of their representatives by the increasing population

of the larger states, could really not justly complain of such a development, since they had already received in the Senate an entirely undue proportion of influence, and it was not fair to ask the country that they should also be preserved in their relative position in the House. Every state would have at least one representative in the House, and if its population did not keep relative pace with that of other states, it certainly would have no reason to complain, considering that it had the same representation in the Senate, as even the largest of its sister communities.

These considerations in favor of a large representation outweighed even the feeling of many that if the ratio of 30,000 were taken, there there would be a less fair and equal distribution of representatives than would be accomplished by the ratio of 33,000. The matter went to the Senate. As already indicated, we have no reports of the debate in that body, but the *Journal* of the Senate mentions several different amendments which were proposed to the House bill, among others, the one described above, which became a feature of the second or vetoed bill. The minutes of the Senate, as reported in the *Journal*, seem to show, in the votes of that body, a decided determination to secure a fairer distribution of representation, if possible, than that which was effected by the House bill. The vote in the Senate, as already seen, was an extremely close one, and this fact formed an element of considerable importance in President Washington's decision to veto the bill. He saw that it had been carried through the House, as we shall see subsequently, by mere pressure on the part of the Senate, and only with the greatest reluctance in that body. He saw, moreover, that it had passed the Senate uniformly by the casting vote of the Vice-President, and he thus had upon his side the weight of the majority of the House and the fact that the Senate itself was able to come to no agreement upon the subject.

The Senate amended the bill finally, rejecting all proposed



amendments by adopting a ratio of 33,000, applying the same method of determining the size of the House as that which the House had used in the bill.

When the bill was returned to the House with the Senate's amendments, proposing the sum 33,000 instead of 30,000, evidence soon began to show itself of a growing heat on the subject, and the excitement began which continued until the final settlement of the question in the following April.

It was argued in the first place that this was a question which belonged particularly to the House; one which really did not concern the Senate at all, and although the Constitution gave to Congress, or the legislative authority of the Federal Government, the right to determine the size of the House, and the actual apportionment in accordance with the constitutional rule, yet, after all, it was something which, by its very nature, pertained especially to the House, and with which the Senate ought not to interfere, especially as it had passed the House, both in committee of the whole and in ordinary session, by a large majority.

But the return of the bill gave occasion to a more careful discussion of the subject of fair apportionment than that question had received during the first debate. The reason was given in the House for the Senate amendment that a better regard was had to fractions and that there was consequently a more exact apportionment under the Senate proposition of 33,000 than under the House proposition of 30,000. It was urged, however, in answer to this proposition that this subject had been fully discussed in the House and distinctly rejected after a careful deliberation on all sides. Mr. Madison observed, with more ingenuity than reasonableness, that the Senate amendment seemed to have been favored because it reduced the aggregate of the fractions, whereas, to his mind, if it had increased the fractions in the case of any states it was equally objectionable to the House bill itself. Emphasis was now laid upon the fact which had been observed before, that the

effect of adopting the ratio of 33,000 instead of 30,000 was to diminish the fractions in the Northern and Eastern states and increase them in the Southern, and that the real reason for the adoption of the 33,000 was not that it secured a greater degree of fairness in the distribution, but that it secured for the controlling element in the Senate an additional power. The fraction of Massachusetts had been reduced from 25,327, under the ratio of 30,000, to 13,327, under the ratio of 33,000. The fraction of Pennsylvania had been reduced from 12,879, under the ratio of 30,000, to 3879, under the ratio of 33,000. The fraction of New Jersey had been reduced from 29,559, under the ratio of 30,000, to 14,570, under the ratio of 33,000. The fraction of New Hampshire had been reduced from 21,822, under the ratio of 30,000, to 9822, under the ratio of 33,000. The fraction of Vermont had been reduced from 25,533, under the ratio of 30,000, to 19,533, under the ratio of 33,000. Virginia was increased from 560, under the ratio of 30,000, to 3560, under the ratio of 33,000. The fraction of North Carolina had been left unchanged. Georgia and Kentucky had been slightly decreased, as also Rhode Island and Delaware.

Massachusetts, Connecticut, New Hampshire, Vermont and New Jersey had all large fractions under the 30,000 apportionment, while the Southern states, Virginia, Maryland, Georgia, Kentucky had relatively small ones, though the remainders of Delaware and North Carolina were relatively large.

There was evidently a growing consciousness in this debate of the inequality in the 30,000 basis of representation, and the opposition of the Senate gave new strength to the opposers of the measure in the House. It was urged strongly that the 30,000 basis gave an undue advantage to the large states over the smaller, and to the Southern over the Eastern and Northern. In answer to this it was urged that the smaller states already had a strong representation

in the Senate and that if there was to be any inequality it ought to be to their disadvantage, rather than to the disadvantage of the large states which were placed in such an inferior position, considering their relative size and population, in the upper chamber. The advocates of the smaller states, however, replied that the constitution of the Senate was one of the compromises of the Constitution, and that they were not called upon to give up such advantage as they received in the Senate, by consenting to be put at a disadvantage in the House.

Much the same argument was used in regard to the Southern states. It was held by the one party that the South had the decided advantage over the North, under the apportionment taking 30,000 as the unit, and that the 33,000 came more nearly to doing justice to the North. It was admitted that under the 33,000 ratio the North was somewhat over represented, but it was held that it was much better to have the North slightly over-represented than the South enormously over-represented, more especially as the South had already received an advantage in the Constitution of the House by being allowed a representation for its property in the form of slaves. To this the Southerners replied that that was also one of the compromises of the Constitution, and that they were not called upon by any demand of equity to give up this advantage which had been conceded to them in the Constitution by consenting to an inequitable assignment of representatives. It was, moreover, in their opinion, a grave question whether the South had, after all, taken sufficient guarantees of the North in regard to the matter of slavery, and whether the growing disproportion between the North and the South in wealth and population would not call for still further guarantees in behalf of the South in course of time.

It was at this time that the amendment proposed in the Senate providing that the ratio of 30,000 should be accepted, but that additional members should be assigned for large

unrepresented fractions, was proposed in the House; but it was disposed of very cavalierly as scarcely worthy of discussion.

After a vigorous debate the House decided to abide by its original proposition and returned the bill to the Senate. The Senate, however, by the same majority as in the previous case, insisted on its own amendment, and returned the bill to the House. The third debate on the subject brought out finally all the different points of view, and the arguments for them, in such a way that there was really nothing further to be said in the course of the debate as a whole, and nothing further was really added to the discussion by subsequent debates. It was at this time of the proceedings that the proposition to adopt the 30,000 basis, assigning additional members for large unrepresented fractions, was discussed *in extenso*.

Mr. Ames, of Massachusetts, seems to have championed the proposition most vigorously, and he insisted very strongly that the idea of a fair and just apportionment was fundamental to the peaceful working of the government, and then undertook to show how neither of the ratios proposed, 33,000 and 30,000, provided for as fair a distribution as the 30,000 combined with the assigning of additional representatives to large unrepresented fractions. Thus he showed that the State of Virginia, under the House ratio of 30,000, without reference to fractions, had twenty-one members, a number which was entirely out of proportion to the number given to other states, no matter by what standard of fairness one was willing to judge the case. Thus, if the population of Virginia be compared to the total population of the union, it would be found that instead of being entitled to twenty-one representatives, she was entitled to only nineteen, and was thus, as against other states as a whole, placed at a very decided advantage. If, on the other hand, you compared her with other states it would be found that the states of Vermont, New Hampshire, Rhode Island, Connecticut, New Jersey

and Delaware have together 766,428 persons, a number more than 130,000 in excess of the population of Virginia, and that these states, taken together, would have only the same number of representatives as Virginia. That is to say, Virginia would have an advantage of four representatives over these six states for the same number of people. And if one chose to take still another standard, namely, that of securing in as many of the states as possible a ratio as near to that accepted as a normal one as could be obtained, it would be found that the ratio of 30,000 assigning members to the eight states with the largest remainders or fractions, would be such a method.

It will be found, for example, upon an actual application of this method that fifty members would be chosen in six states with only a very slight departure from the normal number accepted, each of them being a little less than 30,000. Thus it would be in

New Hampshire . . . . .	28,365
Massachusetts . . . . .	29,924
Connecticut . . . . .	29,805
Vermont . . . . .	28,511
New Jersey . . . . .	29,826
North Carolina . . . . .	29,460

and even Delaware would depart only slightly, though somewhat more than these six states, its ratio being 27,769.

Fifty-five other members would be chosen in the states of New York, Pennsylvania, Maryland and Virginia by ratios only slightly in excess of 30,000. Thus:

New York . . . . .	30,144
Pennsylvania . . . . .	30,919
Maryland . . . . .	30,946
Virginia . . . . .	30,026

So that 107 members would, in effect, be chosen by a ratio of one to 30,000. It is true that by this bill some states would lose members, and some would gain, but a comparison of the respective gains and losses would show that, on the whole, a much nearer approximation to equality would be

obtained by this method than by any other. Mr. Ames also held that the arguments against this method were really no arguments at all, notably, the one that the discrimination against the small states in the original House bill was justified by the greater advantage the small states had in the Senate; since the large states were injured as well as the small ones. Massachusetts and North Carolina could not be benefited by giving Virginia two extra members, while the small ones were also injured as respects each other. Delaware would have only one, Rhode Island two, yet the latter had only 9000 more people than the former.

Mr. Ames made the further argument that the same rule was to be adopted in regard to the apportionment of direct taxes as in regard to the apportionment of representatives. They were to be distributed on the basis of representative population. Now would Virginia consent to assume such a disproportionate share of the taxes as it had received of the representatives? This could hardly be thought to be likely, and no one indeed asked that Virginia should assume an unfair proportion of direct taxes, nor was he content to have it receive an undue share of representatives.

The chief argument against this position of Mr. Ames was a constitutional one. It was pointed out that by such an assignment the number of people within certain of the states who should receive a representative would be smaller than 30,000, whereas the Constitution declared distinctly that the number of representatives should not exceed one for every 30,000. This is an important point, because it was one of the two grounds upon the consideration of which President Washington made up his mind to veto the bill.

Those who favored this method of apportionment declared, however, that that was a wrong interpretation of the Constitution. The Constitution declared that the number of representatives should not exceed one for every 30,000; it said nothing in express terms as to whether it meant 30,000 of the population in the respective states,

or 30,000 in the country as a whole. It was proper to give no meaning to this phrase which would practically nullify or render meaningless that other distinct and express provision of the Constitution that the apportionment among the states should be according to their respective numbers. No method of actually making this apportionment was prescribed, and, consequently, any method was proper provided it gave an exact distribution of the representatives, and of two or more methods which might be applied that one was plainly and constitutionally speaking, obligatory which secured the nearest approximation to an exact numerical apportionment. And to the argument repeatedly made up to that time in the course of the discussion that the Southern states were not called upon to give up any advantage accruing to them out of the application of the constitutional rule, it was declared that there was no such constitutional rule; that the expression might have either meaning if taken by itself, but that the context made it perfectly plain that it meant the number of representatives was not to exceed one for every 30,000 of the entire population of the union. It was also maintained that the amendment which had been proposed by Congress to the various states, and which had already been accepted by a number of them, although using practically the same language as the Constitution, was capable really only of the one interpretation, limiting the size of the House not by the number of times 30,000 was contained in the population of the respective states, disregarding fractions, but the number of times it was contained in the population of the union as a whole.

Jefferson was undoubtedly right, as already suggested, in saying that this method of distributing the representatives did not seem to have occurred to anybody as a serious proposition in the early stages of the debate. Perhaps he was also right when he said that it had been found out by those who saw that if it were adopted a different distribution of members would ensue, and, consequently some states would

gain at the cost of others. There is no doubt that some states did gain under the application of the preceding principle, and there is no doubt that the smaller states contended for their advantage as against the larger, and that the Southern states contended for their advantage as against the Northern and Eastern, and *vice versa*.

But, on the other hand, no one who studies the history of the debate, can deny the fact that the sentiment of the Senate was irresistibly driven toward the acceptance of this rule, because of the plainly unequal distribution effected by the application of the rule adopted by the House.

It was an admirable illustration of a true constitutional question, a provision in a written instrument capable of two interpretations, conferring, according as one or the other interpretation was taken, distinctive and solid advantage upon one or another political element, in this case, one or another state, or one or another section. It became perfectly plain that the jealousy which had existed more or less as a latent force during the colonial and revolutionary periods, which had shown itself in such a marked way in the Constitutional Convention, had by no means been allayed by the four or five years which had intervened. On the contrary, the signs were already ominous of the conflicts of the future, and this first debate brought to a head and to an open expression suspicions and jealousies which men had been more or less trying to cover up and repress. It is noticeable that Virginia had been picked out especially as a state which profited by the application of the ratio of 30,000, regarding fractions; and it was three Virginians who persuaded the President to insist on the principle of the House bill.\*

In spite of the able and long discussion, the House insisted upon its original amendment, and the bill was returned to the Senate. The Senate, however, refused to recede, and the bill was lost. When it was taken up again, there was a repetition of the same arguments and the same points of

\* See p. 33



view, but the House decided in the second bill, described above, to insist upon the method which it had adopted before, but it incorporated two provisions by which it hoped to disarm the opposition of the Senate. It provided for a new census within a brief period of five years, and provided, moreover, that the principle of apportionment should be fixed in advance of the taking of the census. It was openly stated, and with a great deal of truth, that if the House had agreed upon some method of apportionment before the actual returns of the census had shown which states would be placed at a relative advantage or disadvantage under the application of such rule, there would have been no difficulty in the first place, and the provision of the House involved making the apportionment a mere ministerial act on the part of the President, but in accordance with the principles which it proposed to apply now to the first apportionment.

These sops, however, did not tempt the Senate. After another discussion of considerable length, the Senate took up the amendment which had been proposed first by a member of the Senate, namely, the application of the 30,000 ratio with the representation of large remainders, or, to put it another way, the application of the ratio by dividing it into the total population of the union to determine the number of the House, and then the assignment of the consequent number of members among the states in proportion as nearly as might be to their population. This was returned to the House; the House refused to accept it. A conference committee was appointed, which failed to agree. The House then receded from its decision and finally accepted the proposed amendment of the Senate. The bill then went to the President.

On Thursday, April 5, 1792, the President sent to the House of Representatives a veto of the bill which had been passed on March 28. The veto read as follows:

*"Gentlemen of the House of Representatives:*

"I have Considered the act passed by the two Houses, entitled 'An Act for the Apportionment of Representatives among the several States

according to the first Enumeration,' and return it to your House wherein it originated with the following objections:

"First. The Constitution has prescribed that representatives shall be apportioned among the several states according to their respective numbers, and there is no one proportion or divisor which, applied to the respective numbers of the states, will yield the number and allotment of representatives proposed by the bill.

"Second. The Constitution has also provided that the number of representatives shall not exceed one for every 30,000, which restriction is by the context and by fair and obvious construction to be applied to the respective and separate numbers of the states, and the bill has allotted to eight of the states more than one for every 30,000.

(Signed)

"G. WASHINGTON."

It will be observed that the President retained the bill in his hands as long as it was possible for him to do so without its becoming a law by the provision of the Constitution that all laws shall pass into effect ten days (Sundays excepted) after they have been sent to the President, unless he returns them to the House with his veto, or Congress, by its adjournment, refuses to allow him the ten days for consideration. This period he had used in a most careful and anxious consideration of the bill. The great excitement which it had caused; the very close vote by which it was passed in both Houses; the open charge that one section was trying to get the advantage of the other; the bitterness which had appeared in the course of the discussion—all combined to give President Washington a very serious problem, which caused him much worry and thought. He asked the opinion in writing of each member of his cabinet. The Secretary of the Treasury, Alexander Hamilton, of New York, and the Secretary of War, Knox, of Massachusetts, approved the bill on the whole, and advised him to sign it. The Secretary of War was rather undecided in his opinion, and the Secretary of the Treasury, thinking that neither of the mooted constructions of the Constitution could be absolutely rejected, held that it would be proper to accede to the interpretation given by the legislature. The Secretary of State, Jefferson, and the Attorney-General, Randolph, both of

whom were from Virginia, expressed their disapproval. It will be seen that the division in the cabinet was as strictly along geographical lines as it had been in the House. This made it naturally very difficult for a man of as impartial and judicious a mind as Washington to come to a decision upon the question.

Jefferson, with his general tendency to claim credit for nearly all the positive actions of Washington which were in accordance with his views, states in his Diary that he and Randolph drew up the veto message.\*

He declares that on April the sixth,† the President called upon him before breakfast to have further conversation upon the apportionment bill, in reference to which Jefferson had already given his opinion in writing. Washington agreed that the method provided in the bill was contrary to the common understanding of that instrument and to what was understood at the time by the makers of it, but that the Constitution would bear the construction which the bill implied. And, inasmuch as the vote for and against the bill was perfectly geographical, a Northern against a Southern vote, he feared that he should be thought to be taking sides with the Southern party if he sent in a veto. Jefferson admitted the motive of delicacy, but insisted that the President should not allow this feeling to lead him to a wrong course of action in the matter, and urged the dangers to which the scramble for the fractional members would lead if such a principle should once be adopted. Washington then expressed his fear that there would, ere long, be a separation of the union, for the public mind seemed to be dissatisfied and tending toward this end. Upon returning home, he sent for Randolph, the Attorney-General, and asked him to get Mr. Madison, and if after conference with Jefferson they all three concurred in the opinion that he

\* Compare "The Writings of Thomas Jefferson," edited by H. A. Washington, New York, 1861, Vol. ix, p. 115.

† Evidently a mistake on Jefferson's part or a misprint for April 5th, since the veto was sent to Congress on April 5th.

ought to veto the bill, he desired to hear nothing more about it, but that they should draw up the instrument for him to sign. Randolph, Madison and Jefferson having come together with their minds made up beforehand, drew the instrument, and Randolph took it to the President with the statement that they all three agreed to it. Washington walked with him to the door, and, as if he still wished to avoid the responsibility for the action, said to him, "And you say you approve this yourself?" Randolph replied, "I do upon my honor;" upon which Washington instantly sent the veto to the House of Representatives.

Jefferson's opinion upon the desirability of vetoing the message is by far the most elaborate and carefully considered one of those submitted, and deserves, therefore, especial attention, particularly as it incorporated the views which the President finally accepted in the message itself.\*

Jefferson admitted, as, indeed, was generally admitted on all hands, that the principle incorporated in the bill sent to Washington secured in its application a "tolerably just result," and could not be objected to on the score of justice, if it were obtained by the constitutional method. His first objection was that representatives were not apportioned by it among the several states according to their respective numbers. He aims to prove this by showing that there is no common ratio or divisor which applied to the numbers of each state, will give to them the number of representatives allotted in the bill, for by taking the several ratios, 29, 30,

\* This opinion on the bill apportioning representatives, dated April 4, 1792, was printed in full in "The Writings of Thomas Jefferson," edited by H. A. Washington, New York, 1861, Vol. vii, p. 594. It is reprinted in "Commentaries on the Constitution of the United States," by Roger Foster, Boston, 1895, page 424 and following. The opinions of Kuox, Jefferson, Hamilton and Randolph are also printed with a recapitulation of the arguments by Jefferson in "The Works of Alexander Hamilton," edited by John C. Hamilton, New York, 1851, Vol. iv, pp. 196 to 215.

An account of the proceedings of the Senate and House in regard to the first apportionment bill, including a copy of Washington's veto, is to be found in the "History of Congress," Lee & Blanchard, Philadelphia, 1843, pp. 193 to 217. The regular publications of Congress contain of course the debates and a copy of Washington's veto.

31, 32 and 33, it will be found that they distribute respectively 118, 112, 109, 107 and 105 members. As he maintains that the distribution must be effected by the application of that method, and no number can be found which used in that way will result in giving such a number of representatives, it is plain that the House bill must have adopted a false method. In answer to the objection that the same method ought to be applied to the distribution of taxes, as to the distribution of representatives, he said that that was plainly impossible; for, while it was, logically speaking, perfectly practicable to make an exact division of taxes, it would be impossible to find a common ratio which would divide into the population of the states without any remainders. The Constitution must be supposed to have contemplated such results as were a necessary outcome of the application of its provisions, and consequently it must be assumed to have contemplated the existence of fractions, or remainders, which should be unrepresented. Aside from this fact that such remainders were a necessary incident to the apportionment of representatives among the states, it must also be allowed that in the long run, owing to the varying relations between the population numbers and the number of representatives, this inequality would more or less roughly distribute itself among the states in the succeeding censuses.

As the bill states no method by which the apportionment has been made, we are left, says Jefferson, to ascertain the method, if possible, by a study of its results. An examination will reveal the fact that at least two distinct ratios were adopted; one of 30,000, applied to the states of Rhode Island, New York, Pennsylvania, Maryland, Virginia, Kentucky and Georgia; and one of 27,770 to the other eight states; namely, Vermont, New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, North and South Carolina. Now, if two ratios may be applied, then fifteen may, and there is consequently no restriction upon the arbitrary

will of Congress in assigning the representatives if this principle be once granted. Jefferson emphasizes very strongly the argument that the Constitution provides that the number of representatives shall not exceed one for every 30,000, whereas, the bill gives to eight of the states a number exceeding one for every 30,000, namely, one for every 27,770. The fact that the Constitution provided that each state shall have at least one representative shows that it was understood that in the absence of any mention to the contrary, no representation should be given to any smaller number than the common ratio in any case; consequently fractions and remainders would have to go unrepresented.

But it is urged, he says, that the phrase in the Constitution may mean either 30,000 in each state, or 30,000 in the whole union. Suppose it may. As a matter of fact, what was the idea of the framers of the Constitution? What was the common and generally accepted notion from the beginning of the debate until it was found that by accepting some other idea an advantage could be gotten under the scheme of apportionment for certain states and sections?

But, even if we allow that the 30,000 is meant to give the aggregate of representatives and not at all to influence their apportionment, the bill still does not distribute the 120 according to the constitutional rule; that is, according to the numbers of the respective states, for in order to make the apportionment we must take the nearest common divisor as the ratio of distribution; that is to say, that divisor which, applied to every state, gives to them such numbers as added together comes nearest to 120.\*

This nearest common ratio will be found to be 28,858 and will distribute 119 of the 120 members, leaving only a single residuary one. It will be found to place 96,648 fractional

\* This is the system which is known as the D'Hondt System in the discussions on proportional representation.

numbers in the eight Northern states, and 105,582 in the Southernmost. The following table shows it:

	<i>Ratio of 28,858.</i>	<i>Fractions.</i>	
Vermont . . . .	85,532	2	27,186
New Hampshire .	141,823	4	26,391
Massachusetts . .	475,327	16	13,599
Rhode Island . .	68,444	2	10,728
Connecticut . . .	235,941	8	5,077
New York . . . .	352,915*	12	6,408
New Jersey . . .	179,556	6	10
Pennsylvania . .	432,880	15	. . . 96,648
Delaware . . . .	55,538	1	26,680
Maryland . . . .	278,513	9	18,791
Virginia . . . .	630,558	21	24,540
Kentucky . . . .	68,705	2	10,989
North Carolina . .	353,521	12	7,225
South Carolina . .	206,263	7	4,230
Georgia . . . .	70,843	2	13,127
	<hr/> 3,636,312	<hr/> 119	<hr/> 202,230
			<hr/> 202,230

Whatever may have been the intention, the effect of rejecting the nearest divisor which leaves but one residuary member and adopting another one which leaves eight, is merely to take a member from New York and Pennsylvania each and to give them to Vermont and New Hampshire.

Jefferson then undertakes to show that, if we allow the doctrine that fractions ought to be represented, there will be grave difficulties in the way of applying it. He shows how it is possible that eight of the states might get an additional representative as compared with the other seven, although their population in each case should be only one

\* It will be observed that the population numbers assigned to the different states vary in the tables used by Jefferson from those printed elsewhere. There seem to be small discrepancies in all the tables, very few of them being exactly alike, but Jefferson has a very serious discrepancy. He prints the population of New York as 352,915, whereas it appears in other places as 331,589. This would appear to be a mistake on Jefferson's part, owing to the fact that he did not make the distinction between the total population of New York and the representative population, the latter being the total free population plus three-fifths, of the slave population. This would make a change in the distribution of members under Jefferson's scheme, though it does not affect the argument particularly.

more than that in the other seven states. Moreover, if you permit the large fractions in one state to choose a representative for one of the small fractions in another state, you take from the latter its election, which constitutes real representation, and substitute a virtual representation of the disfranchised fractions. There is still another point which ought not to be lost sight of, in that the bill does not say distinctly that it gives an additional representative to the states having the eight largest fractions, though in fact it has done so. It seems to have avoided establishing that into a rule lest it might not suit on another occasion. Some other time they might distribute the members among the smallest states, no matter what their fractions were, on the ground that was openly advanced in the debate that the smaller states would suffer more from a large unrepresented fraction, than the larger states. Such a rule would, therefore, open the way for any amount of corrupt bargaining, and scrambling for the representatives which are supposed to stand for the fractions or remainders. Whereas, the principle of adopting a common ratio and assigning as many members as that will give, disregarding fractions, is a plain and simple method which even the wayfaring man can understand. So that if we regard the bill either as a violation of the Constitution, which it seems to be, or as giving merely an inconvenient and difficult interpretation to its words, it is a case wherein the President ought to interpose his veto, and that for the following reasons:

1. The non-user of his negative begins already to excite the belief that no president will ever venture to use it. This has consequently begotten a desire to raise up barriers in the state legislatures against Congress throwing off the control of the Constitution.

2. The veto can never be used more pleasingly to the public than in protecting the Constitution.

3. No invasions of the Constitution by Congress are so fundamentally dangerous as the tricks played on their own



numbers, apportionment and other circumstances respecting themselves, and affecting their local qualifications to legislate for the union.

4. The majorities by which this bill has been carried, to wit, one in the Senate and two in the House of Representatives, show how divided the opinions were there.

5. Everybody admits that the Constitution will bear the interpretation here insisted upon, whereas a large minority, both in and out of Congress, deny that it will bear that of the bill.

6. The application of any one ratio is intelligible to the people and will, therefore, be approved, whereas the complex operations of the bill can never be comprehended by them, and though they may acquiesce, they certainly cannot approve what they do not understand.\*

It is interesting to note how squarely the drift of subsequent opinions expressed by jurists and practical men set against the conclusions of Jefferson and Washington. The veto of Washington practically settled the policy of the government for fifty years, and indeed no serious discussion again took place in regard to the question for forty years after the passage of the apportionment bill of 1792; but when the debate was resumed in 1830, the party opposed to the most important portion of Washington's opinion, although it did not carry its point immediately, convinced the country of the justice of its view, so that it was adopted as the next apportionment bill in pursuance of the census of 1840, and has remained up to the present time the rule of action. Judge Storey, in his "Commentaries"† says: "The first reason assigned by Washington is as open to question as any one which can well be imagined, in the case of real difficulty of construction. It assumes at its basis that a common ratio or divisor is to be taken and applied to each

\*There is an interesting contemporary view set forth in Marshall's "Life of Washington," Vol. v, p. 319.

† 5th Ed., § 682.

state, let the fractions and inequalities left be what they may. Now this is a plain departure from the terms of the Constitution. It is not there said that any such ratio shall be taken. The language is that the representatives shall be apportioned among the several states according to their respective numbers; that is, according to the proportion of the whole population of each state to the aggregate of all the states. To apportion according to any ratio short of the whole number in a state is not an apportionment according to the respective numbers of the state. If it is said that it is impracticable to follow the meaning of the terms literally, that may be admitted, but it does not follow that they are to be wholly disregarded, or language substituted essentially different in its import and effect. If we must depart, we must depart as little as practicable. We are to act on the doctrine of *c'y prés*, or act as nearly as possible to the rule of the Constitution. If we are at liberty to adopt a rule varying from the terms of the Constitution arguing *ab inconvenienti*, then it is clearly just as open to others to reason on the other side from opposing inconvenience and injustice."

This expresses, on the whole, the opinion to which the great majority of fair-minded men who have considered the question are driven; a conclusion which rejects as entirely unsound the line of reasoning adopted by Washington in his first objection to the bill, and by Jefferson in his opinion to the President as to the desirability of vetoing the bill.

Washington's second objection to the bill ceased to have any possible significance after the second census, since nobody proposed to extend the size of the House in such a way as to make it possible for any state to have more than one representative for every 30,000, except in the case of those states which were entitled to only one representative and whose population failed to reach this figure. Webster and Everett, in their celebrated arguments for the representation of fractions, both agreed that Washington's objection was a valid one, but in neither case was any special

attention given to the question since it had no significance for the matter before them, and it was a part of the policy of both these astute reasoners to concede every unessential point to their opponents.

It is difficult, however, to see on what ground the first objection can be sustained which is not applicable to the second also, although Judge Storey declares that the second reason assigned by the President against the bill was well founded, in fact, and entirely conclusive. It would seem on the contrary, if the argument be fully examined in both cases, that there is no better reason for one objection than for the other; indeed that both rest upon the same view as to the necessary interpretation of a certain clause in the Constitution which our commentators and statesmen have since come to agree is plainly wrong, and, so far from being deducible from the Constitution, flies directly in the face of its plain and simple meaning.

It has then come to be generally accepted by all parties that the Constitution requires an apportionment of the representatives among the states as nearly as possible according to their respective numbers and that, although no method is expressly prescribed by that instrument, yet of all the possible methods that one is plainly the constitutional one by which a result corresponding to the rule of strict proportionality is secured.

The general rule adopted to secure this is to determine the amount of the population which should be entitled to one representative in Congress and, after having allowed a representative for each of these numbers, to allow to every state an additional member for each fraction of its numbers exceeding one-half of the ratio, rejecting from consideration the smaller fractions. This rule has, however, not been observed strictly and its adoption has not made apportionment the perfectly simple and easy problem which it would seem at first blush that it should be.

## CRIME AND THE CENSUS.

Questions concerning the general aspects of crime in a community usually turn upon considerations of its quantity or amount. The amount of crime is a popular standard of the morality of a people. The progress of a people in morality and the tendency to crime of the different elements of the population are frequently judged by the same measure. The expression, amount of crime, conveys, perhaps, to the popular mind a somewhat vague notion, but for the statistician it has acquired a technical signification. It means the comparison of the number of crimes committed in a given period with the numbers of the population. Such a ratio is necessarily imperfect and open to criticism. In comparing different countries it is properly objected that the standard of what constitutes crime varies. Within narrower limits, the objection is valid against comparisons in the amount of crime, at different periods in the same country. On the other hand, it has no force for the comparisons of different groups of population, living in the same country, and subject to the same laws.

It has been said that such ratios are always inadequate since they are based upon the crimes detected and determined, and do not, therefore, include those crimes which never come to the cognizance of the authorities, or for which the responsibility is never placed. If in any given instance there is a wide dissimilarity in the care and thoroughness with which the laws are administered, the argument may have some weight. In the great majority of cases in which a resort is had to statistics of crime, the objection may be disregarded. It may be assumed, that the number of cases undiscovered and unpunished maintains a more or less consistent relation to the total number of offences against the law. Unless this assumption, which is

akin to many which must be made in statistical practice, be accepted, the possibility of crime statistics vanishes. Nor can we close our eyes to the fact that, despite the objections which have been urged, figures in regard to crime and its frequency are in universal use. The statistical measurement of the facts of social life can never be absolutely accurate. If we should, therefore, reject the statistical method we should lose an insight into many problems of the gravest import for society and civilization.

With all its inherent imperfections, the amount of crime, or the ratio between the number of crimes which are punished in a given period and the population, is a measure of frequent use and of great importance. It is to be noted that we speak of the number of crimes and not of the number of offenders. It cannot be denied that the moral tone of a community which records ten offences a year by one individual, differs from that of one which records ten similar offences by ten distinct individuals. Yet, however desirable it might be to record the offenders rather than the offences, it is quite impracticable. As the amount of crime, thus understood, is the measure by which we estimate the criminal tendencies of different communities and of different groups within the same community, it is of the highest importance that its application should be thorough, systematic and reasonable. The appeal to statistics should always be final as to the facts. There may be wide differences of opinion as to the significance, economic or moral, to be attached to statements of fact, but the facts stated should be beyond question. The subject of crime is one to which the public is not, and can not be indifferent. If crime increase is it not proof of radical defects in our social organization? There is a vast amount of popular and scientific reasoning based upon the supposed tendencies to crime of our population as a whole and of its different elements. Our policy toward the negro and the immigrant, for instance, is often discussed upon the basis of their criminal tendencies.

These are questions not of scientific interest only, but of the gravest practical importance.

It is the purpose of this paper to examine the basis upon which such reasoning stands. We ask the questions: "Have we adequate means of knowing what are the criminal tendencies of the people of the United States? Do the existing statistical agencies furnish us a safe basis for the judgment of these questions?" Much depends upon the answer to these questions. If the basis is wrong, the conclusions which have been drawn, and the popular conceptions which have arisen from them, may be wrong also. They are not necessarily wrong even though the argument upon which they are commonly based is incorrect, but, if not wholly wrong, they are probably wrong in part, wrong in degree.

While in regard to crime, other sources of information exist, the United States census is the principal repository of facts. It is proper for us, therefore, to concern ourselves with the census and to ask whether it is adequate. If sources of information which have been considered to be secondary, should prove to have a more correct statistical basis than the census itself, it is obvious that their importance is increased. If further, the census is upon an unsatisfactory basis, it is open to improvement, and if we should succeed in demonstrating that it furnishes at present a defective basis for the study of crime in the United States, we may also point out methods by which greater accuracy might be attained.

Popular interest in the subject of crime in the United States attaches chiefly to the alleged increase in crime and to the greater criminality of the foreign-born and colored elements as compared with the native and white. We shall, therefore, examine the evidence of the census on these points.

The Christian preacher, the sociologist or the reformer who turns his attention to the moral condition of the people of the United States is haunted by the spectre of increasing

crime. The vision is not a pleasant one, and spurs his imagination of gloomy forecasts of the future. If an optimist, he does not abandon hope that the nation will surmount the danger, but if a pessimist, he finds in this contemplation a confirmation of his melancholy forebodings. But whether pessimist or optimist, he does not call into question the statement that crime is increasing. He points with conviction to the figures of the census as indisputable proof. To most persons an increase in crime is obvious from the following table:

TABLE I.—Number of Prisoners.

CENSUS YEARS.	Prisoners.	PRISONERS PER 1,000,000 POPULATION.				
		Number.	Later years compared with			
			1850.	1860.	1870.	1880.
1850 . .	6,737	290	100	. . . .	. . . .	. . . .
1860 . .	19,086	607	206	100	. . . .	. . . .
1870 . .	32,901	853	294	144	100	. . . .
1880 . .	58,609	1,169	403	193	137	100
1890 . .	82,329	1,315	453	217	154	113

In this table the first two columns are taken directly from the census volume. The increase in the relative number of prisoners is perhaps sufficiently recorded in the second column, but that it may appear in its exact proportions we have added columns which compare the later years with those which precede them. If 1850 be used as a basis, the relative number of prisoners in 1890 is 353 per cent greater. Each column shows plainly an increase in the number of prisoners reported at each succeeding census. It would seem clear that the table records an increase in crime. But it should be noted that in this latter statement there lies an assumption not expressly stated, namely, that the number of prisoners at a given epoch is indicative of the amount of crime at the same period. This assumption underlies much of the analysis of the present statistics which is to be found in the census volume. We shall examine later, whether the assumption which appears to be self-evident, is entirely

warranted. Accepting it for the present we may ask ourselves the simpler question, to what extent the figures indicate an increase in the number of prisoners.

The first question to be examined is whether prisoners have been reported at each census upon the same basis. The census analysis tells us that the figures prior to 1880 are not reliable, and that the printed figures cannot, therefore, be taken to represent the facts. In 1880 and 1890, the enumeration was made in a thoroughly systematic manner to include all prisoners. In 1870, as we are informed, the houses of correction were not reported, consequently the number falls short of what would have been given had the system in vogue in later years been used. Concerning 1860 and 1850, no statement is made in census volumes regarding the methods by which the figures were collected or the classes of institutions which they included. For most of our purposes, therefore, we must disregard these figures. We can, however, utilize the figures for 1870 for a comparison with later years by omitting from consideration in 1880 and 1890 the inmates of houses of correction. Thus modified we have the following table of prisoners exclusive of the inmates of houses of correction:

TABLE II.—Prisoners, Excluding Houses of Correction.

CENSUS YEARS.	Prisoners.	PRISONERS PER 1,000,000 POPULATION.	
		Number.	Compared with 1870.
1870 . . . . .	32,901	853	100
1880 . . . . .	50,754	1,012	119
1890 . . . . .	72,361	1,155	135

It will be seen from the foregoing table, that the per cent of increase in the twenty years from 1870 to 1890 is reduced by this correction from fifty-four to thirty-five. There is still so large a difference between the figures for 1870 and 1890, and those for 1850 and 1860, that it seems difficult to account for it solely through changes in the method of



obtaining figures. There are, in fact, other considerations which would explain a part of the increase observed. The Civil War wrought great changes in the population. The return to civil life, after a period of war, brought with it inevitably a disturbance of social relations which would be reflected in an increase in crime and thus in some degree influence the number of prisoners. But the most important change was the emancipation of the negroes. Three millions of blacks became full members of society. As slaves they were chattels, unable to commit crime. It is worthy of examination, whether a part of the increase of prisoners which has been recorded was not due to this factor. If such were the case, while problems of prison administration are not lessened, it is clear that the moral judgment which has been passed upon the increase of prisoners must certainly be modified. If the number of prisoners is an indication of morality it surely makes a difference whether this increase has occurred generally throughout the population or is due to the injection of a new element. The following tables give the number of prisoners in the South Atlantic and Southern Central sections where the negroes are an important element, distinct from the other sections of the United States, and a comparison of the relative results.

TABLE III.—Prisoners in Certain Sections.

CENSUS YEARS.	South Atlantic States.	Southern Central States.	All Other States.	United States.
<b>Prisoners.</b>				
1850 . . . . .	904	911	4,922	6,737
1860 . . . . .	827	2,023	16,236	19,086
1870 . . . . .	4,795	5,029	23,077	32,901
1880 . . . . .	7,927	11,147	39,535	58,609
1890 . . . . .	11,409	16,084	54,836	82,329
<b>Prisoners per 1,000,000 Population.</b>				
1850 . . . . .	193	212	346	290
1860 . . . . .	154	351	799	607
1870 . . . . .	819	782	913	853
1880 . . . . .	1,043	1,250	1,175	1,169
1890 . . . . .	1,288	1,466	1,286	1,315

TABLE IV.—Comparison of Relative Number of Prisoners.

	South Atlantic States.	Southern Central States.	All Other States.	United States.
Compared with 1850.				
1850 . . . . .	100	100	100	100
1860 . . . . .	81	166	231	206
1870 . . . . .	424	366	264	294
1880 . . . . .	541	590	340	403
1890 . . . . .	668	692	371	453
Compared with 1860.				
1860 . . . . .	100	100	100	100
1870 . . . . .	532	223	114	144
1880 . . . . .	677	356	147	193
1890 . . . . .	836	418	161	217
Compared with 1870.				
1870 . . . . .	100	100	100	100
1880 . . . . .	125	160	129	137
1890 . . . . .	157	187	149	154

From a consideration of these tables it is clearly apparent that the increase in the number of prisoners has been greater in the South than in the other sections of the country. If then, we consider the United States exclusive of the two southern sections, we find the rate of increase by our system of comparisons with preceding years, to be less than appears in the general figures. This comparison is, of course, subject to all the limitations which arise from differences in methods of enumeration. If the year 1870 be taken as a basis of comparison, and if, in the following years, the houses of correction be eliminated, we have the following table:

TABLE V.—Prisoners, Omitting Houses of Correction, in all States Except South Atlantic and Southern Central States.

CENSUS YEARS.	Prisoners.	Prisoners per 1,000,000 Population.	The same compared with 1870.
1870 . . . . .	23,077	913	100
1880 . . . . .	32,345	962	105
1890 . . . . .	45,886	1,072	117

The relative increase in prisoners, in the last twenty years, is seventeen per cent in the northern section of the United States, where the population is substantially the same now as it was in 1870. This is the only section for which, in our view, any judgment in regard to the moral condition of the people, based upon the number of prisoners, might be admissible. It is evident that the usual methods of calculation have unduly magnified the increase and have led to a severer moral judgment than the facts justify.

Our calculations of the relative number of prisoners, which correspond to those of the census, have been based upon the total number of prisoners, irrespective of whether they were awaiting trial, under sentence or confined for some other reason. There could be no objection to using the total number of prisoners for such calculations, if the ratio between those sentenced and those merely awaiting trial were always constant. Of this, however, we have no guarantee. In fact, an examination of the returns for 1880 and 1890 shows that a somewhat larger number of prisoners were not under sentence in 1890 than in 1880. If we compare the ratio of all prisoners to the population in 1880 and 1890 we have an increase of 12.5 per cent. If we consider alone those who were under sentence, we find in 1880, 52,394 prisoners, and in 1890, 72,209, or per million inhabitants, 1045 and 1155, or an increase of 10.5 per cent.

We may next inquire whether the figures of the census give us a sufficiently correct statement of the number of prisoners. The census records the number of prisoners who are found in the various places of detention on the census day. Thus, at intervals of ten years, we have a statement of the population of such institutions on a single day. If the figures have any value, it is obvious that they must stand for the average population of prisons at the period in question. The point has sometimes been raised that the returns for a single day could not be so regarded, that the number of prisoners was subject to variation from day to

day and that consequently the census might fall upon a time when the prison was full or when it was very empty. For those trained in statistical matters it is hardly necessary to answer such an objection. They are aware that such extreme cases tend to compensate each other, especially when distributed over a large area and including a large number of institutions. While this statement is based upon general conditions which are accepted by students of statistics, it has been thought best to make a concrete test. An examination has been made of the last obtainable reports of the larger institutions of the United States. In each case, where the report contains a statement of the average population, we have compared this with the population at the date of the report. In some cases it has also been possible to give the largest and smallest population for the period to which the report refers.

Table VI indicates the report of population, which is analogous to the population on the census day, expressed in terms of the average population. The largest percentage is found in Sioux Falls, S. D. This is due to the fact that the population of that prison is rapidly growing, which is also the case at Anamosa, Iowa. These institutions, located where population grows very rapidly, have a somewhat exceptional character. The next highest variation is to be found at Windsor, Vt., for reasons which do not appear on the surface. If we except these three institutions the range of variation observed is inconsiderable. While in some—perhaps the majority, since the prison population tends to increase—the report population is larger than the average, in others it falls below. Thus, in the sum total, the variations tend to compensate. If the final columns of the table be considered, it is clear that even the largest and the smallest populations do not differ widely from the average. If it were true that the largest population should agree on the same day for all the prisons, then the returns for a single day would be inadequate to represent the average. The

TABLE VI.—Fluctuation of Population in Penitentiaries.

State.	Designation.	Location.	Number of Years.	Ending.	Date.	Average Population.	Population at Date of Report.	Largest Population.	Smallest Population.	PER CENT OF AVERAGE POPULATION.		
										Report Population.	Largest Population.	Smallest Population.
Connecticut	S. P.	Wethersfield . . .	1	Sep. 30	1895	403.36	395	420	369	97.92	104.12	91.21
Idaho . . .	S. Pn.	Boise City . . .	1	Nov. 30	1894	101.5	109	109	94	107.39	107.39	92.61
Illinois . . .	S. Pn.	Joliet . . .	2	Sep. 30	"	1,448.42	1,468	1,524	1,354	101.35	105.08	93.48
Indiana . . .	S. P.	Michigan City . . .	1	Oct. 31	"	902.	908			100.67		
"	"	Jeffersonville . . .	1	"	"	708.	770			108.76		
Iowa . . .	Pn.	Anamosa . . .	2	June 30	1893	276.5	373	373	240	134.90	134.90	86.80
"	"	Ft. Madison . . .	2	"	"	429.	441	469	360	102.80	102.80	83.91
Kentucky . . .	S. Pn.	Frankfort . . .	1	Nov. 30	1895	1,125.	1,104	1,157	1,082	97.13	102.84	96.27
Maine . . .	S. P.	Thomaston . . .	1	"	"	156.	151	164	146	96.79	105.13	92.59
Michigan . . .	S. P.	Jackson . . .	1	June 30	1894	818.6	856	861	771	104.57	105.18	94.19
Minnesota . . .	S. P.	Stillwater . . .	2	July 31	"	469.	502			107.04		
Missouri . . .	S. Pn.	Jefferson . . .	2	Dec. 31	"	1,874.	2,178			116.22		
Minnesota . . .	S. Pn.	Trenton . . .	1	Oct. 31	1895	982.	977			99.60		
New Jersey . . .	S. P.	Sing Sing . . .	1	Nov. 30	1894	1,329.	1,365	156	113	104.22	114.49	82.94
New Mexico . . .	T. Pn.	Auburn . . .	1	Sep. 30	"	1,249.	1,158			102.71		
New York . . .	S. P.	"	1	"	"	1,046.3	1,031			93.03		
"	"	Clinton . . .	1	Oct. 31	"	81.5	74			88.63		
North Dakota . . .	S. Pn.	Bismarck . . .	2	"	"	2,685.	1,685	2,204	1,938	95.20	105.71	92.95
Ohio . . .	Pn.	Columbus . . .	1	Dec. 31	1895	1,301.	1,428	1,431	1,351	102.66	102.95	87.85
Pennsylvania . . .	Pn.	Philadelphia . . .	1	"	1894	1,053.	1,169	1,171	983	110.07	111.21	93.35
"	"	Allegheny . . .	1	"	"	1,476	1,555			105.08		
Rhode Island . . .	S. P.	Howard . . .	1	Oct. 31	1894	1,072.	1,062			101.92		
South Carolina . . .	Pn.	Columbia . . .	2	June 30	"	73.86	117	118	56	146.51	147.76	70.12
South Dakota . . .	Pn.	Sioux Falls . . .	2	Oct. 31	"	3,694.	4,125	4,233	3,578	106.01	108.79	91.96
Texas . . .	Pn.	Huntsville, etc. . .	2	June 30	"	104.	125	125	88	120.19	120.19	84.02
Vermont . . .	S. P.	Windsor . . .	2	Oct. 31	"	1,548.	1,616			104.39		
Virginia . . .	Pn.	Richmond . . .	1	Sep. 30	1895	438.33	403			105.63		
West Virginia . . .	Pn.	Moundsville . . .	1	"	1894	609.	602			108.70		
Wisconsin . . .	S. P.	Waupun . . .	1	"	"							

same would be true if the smallest population should agree on the same day. The probability of these contingencies is extremely remote. Had the reports been for the same period of time, we should have attempted to demonstrate this concretely, but the difference in report years renders this impracticable.

We have seen that the figures of the census give us the number of prisoners at each decade with sufficient accuracy, and from them we may calculate the relative increase in the number of prisoners. We may now approach the larger question, to what extent the number of prisoners is indicative of the amount of crime, remembering that the amount of crime has been defined as the ratio between the crimes of a given period and the number of population at the same time. It is clear that the number of prisoners at any time depends not only upon the number who have been sent to prison, but also upon the length of the sentences which have been imposed upon them. This is seen very clearly by an extreme case. If in the town A, a man is sent to prison every day, with a sentence of one year's imprisonment, the prison will, at the end of the year, contain 365 prisoners. If, now, in town B, a prisoner is received at the prison daily, with but the short sentence of a single day, there will be, at the end of the year, one prisoner. The number of offences has been the same, yet the population of the two prisons gives no clue to this fact. The case is an extreme one, but it illustrates the working of this factor. An illustration which is more within the range of probability will show the practical importance of the same principle. If in a given prison 100 convicts are received annually, with a uniform sentence of two years each, there will be in two years after the opening of the prison and in subsequent years 200 individuals in prison. If in another prison 100 prisoners are received annually, with a uniform sentence of three years, there will be at the end of the third year, and in all subsequent years, 300 prisoners in that prison. For our present

problem this may be of importance, for if the length of sentences increase the number of prisoners at a given date will increase without a proportional increase in the number of convicts received. Or if the length of sentences decrease, the number of prisoners at any given time may decrease without a corresponding decrease in the number of convictions.

It follows from these considerations that the report population does not represent the crimes of the year. Some of the convicts have been in prison more than one year, and were sentenced, therefore, in previous years. This is well illustrated by a concrete example. The following statement relating to the population of the Wisconsin State Prison, on the thirtieth of September, 1894, gives the dates at which the prisoners were received:

1861 . . . . .	1	1881 . . . . .	1
1862 . . . . .	1	1883 . . . . .	5
1867 . . . . .	1	1884 . . . . .	7
1868 . . . . .	1	1885 . . . . .	6
1870 . . . . .	1	1886 . . . . .	4
1871 . . . . .	1	1887 . . . . .	9
1872 . . . . .	3	1888 . . . . .	7
1874 . . . . .	4	1889 . . . . .	11
1875 . . . . .	1	1890 . . . . .	25
1876 . . . . .	3	1891 . . . . .	33
1877 . . . . .	1	1892 . . . . .	88
1878 . . . . .	1	1893 . . . . .	163
1879 . . . . .	1	1894 . . . . .	282
1880 . . . . .	1		
		Total . . . . .	662

On the other hand, many prisoners sentenced to prison during the year to which the census relates will have received sentences of less than one year, and will already have been dismissed when the figures are taken. The population at a given date, therefore, includes some who belong to other years, and omits others who belong to the year immediately preceding the report.

It may, however, be argued that there is always a constant relation between the prison population and the crime of the year in question; that the ratio of long and short

sentences is practically unchanging. If such position as this be taken, it should not be left to inference, but should be distinctly proven. There are evidences in the census report that the position is not tenable. In 1890, the average sentences of those sentenced for definite terms was 3.88 years; in 1880, it was 4.14 years. This would seem to indicate a larger number of short term prisoners in 1890 than in 1880, and we find, in fact, that 29.13 per cent of the prisoners having definite sentences in 1890 received terms of less than one year, while in 1880, the corresponding figure was 26.91 per cent. It is by no means certain that one period will be the same as another in this respect. The laws made at one time may, at a later period, be administered with greater severity. The law itself does not remain unchanged. It is constantly creating new offences. It is probable that with the development of the criminal law and the greater severity with which it is administered, that minor offenders are much more numerous at the present time than they were formerly. If this be the case, calculations of relative crime based on the number of prisoners have little meaning.

It is our problem to discover, if possible, what is the value of the census returns for comparisons of the amount of crime at different periods, the amount of crime in different sections of the country and among different elements of the population. We can do this if we shall succeed in establishing any relation between the number of prisoners at a given time, and the number of offences committed in the preceding year. If it is impossible to establish such a relation, it will be impossible to make a judgment in regard to the amount of crime.

It has been seen that there is no necessary relation between the average number of prisoners and the amount of crime committed in the year to which the average refers. If the sentences be long, the number of prisoners will be large; if short, the number will be less. The average



population, therefore, is a function of two variables, the number of prisoners committed and the length of time for which they are committed. In our illustrations, we have spoken of a uniform sentence. Of course, such a sentence does not exist in fact. We might, in our illustrations, have spoken with equal propriety of the average sentence of the convicts of a year. The census reports, however, give us no material for computing such an average. We have, in the census documents, the average sentence of those in prison, but this is not satisfactory. In forming this average, the long term sentences have too great a weight. The difference between the two is shown in the following illustration:

	Sent to Prison. Annually.	Sentence.	Remaining in Prison.
Class A . . . .	10	1 year.	10
Class B . . . .	10	6 mos.	5
Total . . . .	20	Av., 9 mos.	15

The average sentence of those sent to prison is nine months. Knowing this, we could calculate the number remaining, if the number sent were known, or if the number remaining were known we could calculate the number sent. The average sentence of those remaining is ten months. If, knowing this, we should confuse it with the former average, and attempt to calculate the number received, we would obtain as the result eighteen prisoners received, which is contrary to the facts. If, however, we know all the facts in the last two columns, we can obtain the right result. Of Class A there must have been received  $10 \div 1 = 10$  and of Class B  $5 \div 0.5 = 10$ , or 20 in all.

With all these elements at our disposal, we could, from the number of persons in prison, calculate the number which was received annually. Of course, such a calculation proceeds upon the assumption that the total number of prisoners does not essentially vary, and that men are sentenced to prison for each term at a given yearly rate. For long sentences especially such a supposition is manifestly incorrect.

As the population grows the number of prisoners grows with it, and may indeed grow in excess of it. The number received at each rate of sentence is constantly growing. We know no method by which allowance can be made for such an increase. In applying the method before described to the returns of the census, we are quite conscious of the fact that it is only approximately correct.

As the sentences are given in detail in the census volumes, we may make a calculation for the United States. It applies only to those whose sentences are expressed in definite terms of years, months and days. It does not include all the persons sentenced to punishment for crime, since sentences to death, for life, to pay a fine, and those not definitely stated, among which are included the indeterminate sentences of reformatories, must be omitted. In the following calculation fractions of years are not given in detail. The small number sentenced for fractional parts of a year have been grouped in the first part of the calculation in half year periods, and in the quarter year periods for sentences of less than three years. The calculation relates to all persons sentenced for one year or over. The following table shows the method of calculation and the result:

TABLE VII.—Estimate of Commitments for Long Terms in 1890.

TERM OF SENTENCE. YEARS.	Prisoners Reported.	Calculated Number Committed.
20 and over . . . . .	1,697	84.85
19.5 . . . . .	13	.66
19. . . . .	43	2.36
* * * * *	* * *	* * *
2.75 . . . . .	268	97.45
2.50 . . . . .	1,045	418.00
2.25 . . . . .	340	151.11
2.00 . . . . .	7,204	3,602.00
1.75 . . . . .	267	152.57
1.50 . . . . .	1,423	948.66
1.25 . . . . .	584	467.20
1.00 . . . . .	5,536	5,536.00
Total . . . . .	45,115	15,294.90

In general, no allowance is made for the shortening of prison terms through good time laws, executive clemency or death. It did not, however, seem proper to neglect these factors for the longer terms, and sentences of over twenty years' duration were counted as of twenty years.

The marked difference between the results and those of the census is very striking. We have approximately 15,295 serious offenders for the year 1890. This is approximately the number of persons of this class committed in the census year, while of the 45,115 reported by the census many belong to other years.

The following table gives a similar calculation for the prisoners reported in 1890, with sentences of less than one year's duration:

TABLE VIII.—Estimate of Commitments for Short Terms in 1890.

MONTHS.	Expressed in Years.	Prisoners Reported.	Calculated Number Committed.
11 . . . . .	0.916	84	91.70
10 . . . . .	0.833	212	254.50
9 . . . . .	0.750	451	601.33
8 . . . . .	0.667	324	485.15
7 . . . . .	0.583	155	265.86
6 . . . . .	0.500	3,659	7,318.00
5 . . . . .	0.416	430	1,033.65
4 . . . . .	0.333	796	2,390.39
3 . . . . .	0.250	3,327	13,308.00
2 . . . . .	0.167	1,799	10,772.45
1 . . . . .	0.083	5,034	60,650.60
10 days . . . . .	0.027	2,267	83,962.96
Total . . . . .		18,538	181,134.59

If the former table decreased the number, this largely magnifies it. Combining the two it appears that in the census year ending June 1, 1890, there were approximately 196,429 sent to prison, while the number in prison having definite terms was 63,653. While the results of our calculation can make no claim to be more than an approximation, they show that the figure upon which the amount of crime should be calculated is quite different from that returned in the census.

To compare the census returns of 1880 and 1890 on this basis is impracticable. The report of 1880 does not give the sentences of less than one year's duration. For those of more than one year's duration it gives only by years omitting fractions. Reducing our figures for 1890 to the same basis, we have constructed the following table giving an estimate for 1880 and 1890:

TABLE IX.—Estimate of Commitments for Long Terms  
in 1880 and 1890.

SENTENCES. YEARS.	1880. Prisoners.	1880. Calculated Number Committed in Year.	1890. Prisoners.	1890. Calculated Number Received in Year.
20 and over . . . . .	1,052	52.60	1,697	84.85
19 . . . . .	26	1.36	56	2.94
18 . . . . .	137	7.61	198	11.00
17 . . . . .	62	3.64	84	4.94
16 . . . . .	65	4.06	113	7.06
15 . . . . .	657	43.80	945	63.00
14 . . . . .	153	10.92	264	18.85
13 . . . . .	89	6.84	149	11.46
12 . . . . .	337	28.08	573	47.75
11 . . . . .	77	7.00	148	13.45
10 . . . . .	2,316	231.60	3,236	23.60
9 . . . . .	206	22.88	358	39.77
8 . . . . .	653	81.62	982	122.75
7 . . . . .	1,291	184.42	1,597	228.14
6 . . . . .	1,021	170.16	1,360	226.66
5 . . . . .	5,112	1,022.42	7,372	1,474.40
4 . . . . .	2,355	588.75	3,385	846.25
3 . . . . .	5,026	1,675.33	5,931	1,977.00
2 . . . . .	6,028	3,014.00	8,857	4,428.50
1 . . . . .	3,647	3,647.00	7,810	7,810.00
Total . . . . .	30,310	10,804.09	45,115	17,742.37

It seems that our result for 1890 is not the same as in a former calculation. The change in the grouping of sentences brings about the difference. In the last calculation all the sentences of one year and less than two are in the group one year, and so on throughout. It probably affects the calculation for 1880 in about the same way. The number of long term prisoners, according to the census

report, increased from 30,130 to 45,115, or 48.84 per cent. By our calculation, the number received increased from 10,804 to 17,742, or 64.20 per cent. The difference in the result is due to the relatively greater frequency in 1890 of the shorter terms, especially the one year sentences. What may have been the increase among minor offences it is impossible to surmise. Our calculations are far from establishing a correct basis for a calculation of the increase of crime from 1880 to 1890. They indicate, however, that prison population cannot be accepted as a satisfactory basis for such a calculation, and that we are wholly in the dark in regard to the exact movement of crime in the aggregate.

If the number of prisoners affords no accurate basis for a judgment in regard to the increase of crime, it may be equally deficient as a basis for other judgments commonly based upon the census figures. Statements in regard to the territorial distribution of crime rest upon the same basis. If sentences do not differ, no injustice is done to any section. But if in one section long sentences prevail, prisoners will be relatively more numerous than in another where short sentences are the rule. Dividing sentences into two groups, making one year the line, we find in the following table, the distribution of prisoners according to the census report in each section of the country:

TABLE X.—Prisoners Sentenced to Definite Terms, 1890, by Sections.

SECTIONS.	NUMBER OF PRISONERS SENTENCED.			PERCENTAGES.			Percentage of all Prisoners.
	One Year and Over.	Under One Year.	Total.	One Year and Over.	Under One Year.	Total.	
North Atlantic . . .	13,835	10,072	23,907	30.67	54.33	37.56	34.32
South Atlantic . . .	6,765	2,188	8,953	14.99	11.80	14.06	13.86
Northern Central . .	11,361	3,227	14,588	25.18	17.41	22.92	24.11
Southern Central . .	9,210	1,737	10,947	20.42	9.37	17.20	19.54
Western . . . . .	3,944	1,314	5,258	8.74	7.09	8.26	8.17
United States . . . .	45,115	18,538	63,653	100.	100.	100.	100.

The final column of the table shows that the distribution of all prisoners does not materially differ from that of those having a definite sentence. The table shows a marked difference between the columns of sentences for one year and over and that for shorter sentences. In the latter, the preponderance of the North Atlantic states is more marked, while the shares of all the sections are less. This is notably the case in the Southern Central group. The percentages for all sentences approach more closely those for longer terms than for shorter terms. In the aggregate of crime, however, the minor offences are more numerous.

Pursuing the method of this paper we may arrive at an approximation of the number of commitments to prison in the census year. This is given in the following table:

TABLE XI.—Estimate of Number of Prisoners Committed 1890, by Sections.

SECTIONS.	NUMBER OF PRISONERS COMMITTED.			PERCENTAGES.		
	One Year and Over.	Under One Year.	Total.	One Year and Over.	Under One Year.	Total.
North Atlantic . . . .	5,909	93,427	99,336	33.31	48.17	46.93
South Atlantic . . . .	2,544	19,100	21,644	14.34	9.85	10.22
Northern Central . . .	4,648	43,995	48,643	26.19	22.68	22.98
Southern Central . . .	3,197	19,158	22,355	18.12	9.88	10.56
Western . . . . .	1,444	18,261	19,705	8.14	9.42	9.31
United States . . . . .	17,742	193,941	211,683	100.	100.	100.

In this table we have in the final column a distribution of all the prisoners, which differs considerably from that of the census report. If the calculation be correct it would appear that in the census statement the proportion of the North Atlantic section is too small, and Southern Central too large.

It will be noted that in this table the general percentages approach most closely those for sentences of short duration. As these far exceed the others in number, they must be of

greatest influence in determining the amount of crime in a community. We have refrained from making any ratios between our results and the population, as we are well aware of the tentative character of these results. They can only serve as an indication of where the census gives wrong notions, but cannot be a substitute for them.

Ratios of prisoners to population are used in discussing the criminal tendencies of different elements in the community. This is applied to males and females. The census shows 6405 female prisoners, or 7.78 per cent of the total number. But remembering that the length of sentences affects seriously the number of prisoners, and finding that for males the average sentence is 4.07 years and for females 1.59, we may suspect that the showing for females is more favorable than the facts warrant. We may summarize the census figures and the probable commitments calculated by methods already described in the following statement:

Prisoners with Definite Sentences.	Total.	Females.	Females, per cent.
One year and over . . . . .	45,115	1,681	3.73
Under one year . . . . .	18,538	3,154	17.01
Total . . . . .	63,653	4,835	7.60
All prisoners . . . . .	82,329	6,405	7.78
Estimated Commitments.			
One year and over . . . . .	17,742	882	4.97
Under one year and over . .	193,941	33,117	17.08
Total . . . . .	211,683	33,999	16.07

Since the amount of crime must be counted from the commitments rather than from the population, the percentage of 16.07 for females is more nearly correct than the 7.78 per cent of the census. It is moreover interesting to note that it accords more closely with the experience of foreign countries than the figures of the census.\* The vaunted difference between the United States and European countries would appear to be a misapprehension.

The share of different elements of the population in the sum total of crime committed is a subject of frequent

\*In Germany there were in 1885-90, twenty-one females for one hundred male criminals or approximately 17.4 per cent female.

comment and discussion. As in the preceding considerations in regard to crime, the census can here do justice to the different elements only on the supposition of a uniform distribution of sentences. If one class receive longer sentences than another, or commit classes of crimes for which longer sentences are given, it will appear unduly magnified in the census report. The following statement summarizes the facts of the census report, regarding sentences where a definite term has been imposed by the courts:

TABLE XII.—Sentences of the Prison Population in 1890, by Elements of the Population.

GROUPS.	Average Sentence, Years.	Prisoners with Definite Sentences.	Sentences of Under One Year.	Percent of Sentences Under One Year.
Total . . . . .	3.88	63,653	18,538	29.13
Total white . . . . .	3.46	44,856	14,688	32.74
Total native white . . . . .	3.67	32,076	9,141	28.50
Native white, native parents	4.15	16,414	3,788	23.08
Native white, one parent foreign . . . . .	3.53	2,364	638	26.99
Native white, foreign parents	2.96	10,375	3,861	37.21
Native white, parents unknown . . . . .	3.57	2,923	854	29.22
Foreign-born white . . . . .	2.97	12,434	5,425	43.63
White, nativity unknown . .	2.41	346	122	35.26
Total colored . . . . .	4.87	18,797	3,850	20.48
Negroes . . . . .	4.84	18,322	3,737	20.39

The variation in average sentences is quite considerable. The short term offenders really constitute the bulk of the total commitments of a year, but as we have seen do not exercise the greatest influence upon the census totals. If the short term sentences fall below the average, as in the case of the negroes, that element receives undue prominence in the census. If they rise above the average, as in the case of the foreign-born, that element has not its appropriate quota in the census figures.

For the principal elements of the population we may again calculate the approximate number of commitments in the census year. This is done in the following table:



TABLE XIII.—Prison Population in 1890 and Estimate of Commitments, by Elements of the Population.

GROUPS.	PRISONERS SENTENCED OR COMMITTED.			PERCENTAGES.			Percent of all Prisoners.
	One Year and Over.	Under One Year.	Total.	One Year and Over.	Under One Year.	Total.	
Sentenced.							
Native white . .	22,935	9,141	32,076	50.84	49.31	50.41	49.16
Foreign-born white . . . .	7,009	5,425	12,434	15.51	29.26	19.53	19.35
Negroes . . . .	14,585	3,737	18,322	32.55	20.16	28.78	29.49
Other elements,*	586	235	821	1.20	1.27	1.28	2.00
Total . . .	45,115	18,538	63,653	100.	100.	100.	100.
Committed.							
Native white . .	9,283	96,470	105,753	52.32	49.76	49.96	. . .
Foreign-born white . . . .	2,890	59,374	62,264	16.29	30.61	29.42	. . .
Negroes . . . .	5,445	35,036	40,481	30.69	18.06	19.12	. . .
Other elements,	124	3,061	3,185	.70	1.57	1.50	. . .
Total . . .	17,742	193,941	211,683	100.	100.	100.	. . .

If we compare the percentages for the prison population we see that the long sentences have the greatest weight in determining the average for all. In the probable commitments the contrary is the case. Our calculations do not affect the proportion of native white, but they reverse the positions of the negro and the foreign-born white. As our results are indications rather than exact measurements, we may again omit ratios to the population. Such ratios should, however, be calculated with the adult population and not with the general population.†

It may be further pointed out that the method employed in the census report gives an altogether incorrect idea of the relative frequency of different classes of crime. Homicide,

\* Includes prisoners whose nativity is unknown, Chinese, Japanese and Indians.

† See the author's "Annual Statistics of Prisoners, 1890," or H. H. Hart, "Immigration and Crime," *American Journal of Sociology*, Vol. ii, p. 369, November, 1896.

which brings with it a long, usually life, sentence, is represented by a large number of persons whose crimes were committed oftentimes many years before the date of the census. The same would, of course, be true of burglary, or any other serious offence. On the other hand, minor offences, particularly those against the public peace, would, in the census year, be relatively much more numerous than the census would permit us to infer. We cannot measure exactly the influence of the length of sentences upon this factor, since the analysis of sentences by groups of crime is not so complete as by locality, sex and race. We can, moreover, consider only the general divisions of crime and not particular offences. Such information as the census affords is summarized in the following table:

TABLE XIV.—Sentences of Prison Population 1890, by Groups of Crime.

CRIMES AGAINST	Average Sentence, Years.	PRISONERS WITH SENTENCES.			PERCENTAGES.			Percent of all Prisoners.
		One Year and Over.	Under One Year.	Total.	One Year and Over.	Under One Year.	Total.	
Government . .	2.76	1,301	239	1,540	2.90	1.29	2.42	2.23
Society . . . .	0.76	2,857	11,237	14,094	6.33	60.61	22.14	22.91
Persons . . . .	7.77	9,552	1,782	11,334	21.17	9.61	17.81	20.99
Property . . .	3.85	28,155	4,571	32,726	62.40	24.66	51.41	45.80
Miscellaneous .	4.51	3,250	709	3,959	7.20	3.82	6.22	8.07
	3.88	45,115	18,538	63,653	100.	100.	100.	100.

A casual glance at the average sentences shows wide variations. Crimes against a person have sentences twice as long as the average, even when life sentences, by reason of their indefinite character, are omitted. On the other hand, crimes against society receive sentences which average about one-fifth as long as the average sentence. The effect of this is seen somewhat more clearly in the more detailed statements. It will be remembered that in forming the average, the long sentences have greater weight than the

short sentences, whereas, in the crimes committed in the given year the short term sentences far outweigh the more serious crimes. Among the shorter terms crimes against society constitute 60.60 per cent of the total, but as they are relatively infrequent among the longer sentences they do not, in the total, show a much larger percentage than crimes against the person. These crimes, which are relatively infrequent among the shorter sentences, are more numerous among the longer sentences and affect the total in exactly the opposite fashion. It must be considered that, as a picture of crime at a given time the census report paints the situation too darkly. Crimes against the person and against property are not in any given year nearly so numerous as the census would lead us to infer. It should be noted in passing that the difference in the percentages for prisoners with different sentences, and those in the last column, for all offenders vary chiefly by reason of life sentences, not included in the first but which in the second tend to concentrate on the crimes against the person and in the miscellaneous group, which includes double crimes.

It is not impossible that the census methods may, in a minor degree, affect a number of other considerations which are studied in connection with crime. We have no further detailed statement of sentences which permit us to examine into these relations. It is obvious, in regard to age, that a system which records the present population, some of whom have been in prison many years, will tend to give higher ages than if the count had been made at the time when the convicts entered the prison. On the other hand, it is to be noted that the class of prisoners who commit minor offences are apt to be on the average older than those who commit more serious crimes. If by counting the prisoners when they were committed this latter class appeared a larger number in the general result, than it does at present, it would tend to compensate the defect of the present method of statement of ages. We may summarize the results of our

examination of the census figures as follows: if the amount of crime means the ratio between the offences committed in a given year and the population at that time, the census volume fails to give us a correct idea of crime in the United States:

1. Because it furnishes no basis for a calculation of the increase of crime.
2. Because in depicting the geographical distribution of crimes, it favors one locality at the expense of another.
3. Because it exaggerates the number of the male sex in the aggregate of crime.
4. Because it assigns to the negroes a larger, and to the foreign-born white a smaller, share in the total of crime than belongs to each.
5. Because it distorts the picture of the relative frequency of different classes of crimes.

If the foregoing criticism be correct, something should be done to put our statistics of crime in such a shape that elaborate calculations will not be necessary in order to ascertain their true meaning. In European countries statistics of crime are based uniformly on the proceedings of criminal courts. While in the United States it might be difficult to establish them on such footing, there seems no valid reason why they should not be based upon the number of prisoners received in the course of the year. It is not to be doubted that this would greatly increase the work of the census office, and in view of the hundreds of prisons to which minor offenders are committed, would undoubtedly be a difficult undertaking. The present organization of the census office would be an additional hindrance. Constituted in haste for each census enumeration, it would be difficult for such an office to enter into relation with all of these jails for the period of one year preceding the census enumeration. It is, however, to be hoped that the present organization of the census will not continue, but that we shall soon see the establishment of a permanent bureau, adequately equipped

for a continuous statistical service. In such an event the difficulties of the present problem would be readily overcome. The work of preparing the blanks for census purposes would be carried on continuously throughout the year, the entries being made at the time when the prisoners were received. In all prisons such a record is kept, and the labor of transcribing it from day to day would not be great. It would be more than could be expected, however, to require a keeper of a county jail to make out at the end of the year, a detailed statement of the prisoners received during that year. In the larger cities this would involve preparing a record for from 10,000 to 30,000 prisoners, a task which would seriously interfere with the clerical work and orderly administration of the prisons. Moreover, it might be difficult, in many cases, to obtain all the facts which the census schedules would demand. The permanent census bureau would, therefore, make it possible, through continuous enumeration, to collect the figures which the necessities of the case demand.

We have thus far spoken of crime in the aggregate. Our discussion, however, has showed that minor crime differs in many particulars from more serious crime. In all our calculations the figures for prisoners having sentences for one year and over showed wide variations from those whose sentences were less than one year. This is not only true for the prison population, as reported by the census, but was, in a large measure, true also of the estimated number of commitments. If we take crime to be the aggregate of offences against the law, we find different characteristics prevailing from those which we find among prisoners who commit more serious crimes. It is with the latter class that the public is in general most interested. If it is impossible to secure accurate figures in regard to crime as a whole, it might be desirable to separate this group.

The consideration which has just been stated shows the possibility of much more accurate information in regard to

crime than we possess at the present time. If the census of 1900 were to adopt as a proper means of measuring crime the number of persons committed in the census year, it would, by confining its enumeration to those having sentences of at least one year, materially lighten its labors. By limiting the scope of the investigation there would be comparatively little difficulty in securing the data required. The prisons for serious offenders keep, as a rule, a more accurate system of records, while if anything in addition to these records were needed, it could be obtained by direct questioning of the individuals, who would all of them be in prison, except the small proportion who might have died or have been pardoned. Such limitation of the scope of the census investigation to prisoners sentenced for more serious crime would be much to be commended, in case the organization of the bureau remains as at present. In any event it would seem desirable, and it is also feasible, to establish a basis for measuring the increase of crime. This could be done by obtaining the facts for commitments in the year preceding the census of 1890 from the prison records. Such records would enable us to ascertain, at least, not only the number but also the chief social facts in regard to these prisoners. To effect such a radical change in methods is only warranted when there are conclusive grounds for believing the innovations to be more correct. We believe that such grounds have been amply demonstrated. The main objection to such innovation is that until the next succeeding enumeration take place, it destroys the possibility of comparison with the past. But by investigating the old records, as has been suggested, this difficulty would be in a large measure overcome.

In case the census office is established on a permanent basis it would seem that there could be no insurmountable difficulty in obtaining for the census year the number of prisoners committed to all of the prisons. Of course, it would not be possible to establish a basis of comparison with

the past, but we should have made a right start for the future. For the long term convicts such a basis could be obtained in the method already proposed. As there is a widespread and surely justified interest in this class of criminals it would scarcely tax the resources of a permanent census office to make a yearly report upon the subject. The number in 1890 was probably not over 17,000, and the collection of the material would be rendered easy through spreading the enumeration over the entire year and having the blanks prepared at the same time that the prison record is made. Should our statistics of crime be organized in this manner, we should be able to arrive at a more accurate judgment of the tendencies toward crime in the United States, and afford to all who are interested in the welfare of the country a safe basis for estimating the tendencies which are at work among the people.

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## VALUES, POSITIVE AND RELATIVE.\*

### THE RELATIVITY AND UNIVERSALITY OF VALUE.

Ancient controversies about the fundamental basis of moral obligation have reached at least a preliminary solution in the doctrine that that action is right which best satisfies contemporaneous needs. In order, however, to establish the nature of the needs in question, it has been necessary to surmount a preliminary difficulty; for since it is impossible to identify the needs of the time with those of any individual, it has become necessary to assume that the former needs correspond to a total or average status in existing society, in the particular aspect of social activity under consideration.

What is thus generally true of the obligation of human action, must be true specifically of each category; and the present paper will endeavor to draw conclusions from the working of this principle within the economic category.

The reader is presumed to be familiar with the marginal doctrine of value, which allows value to be treated as a measurable quantity. This quantity, however, has remained individual and subjective. Various consequences reaching out from it to the market and to common economic interests have, indeed, been traced, and a few advanced writers have ventured to add up these individual values or have boldly treated society as an individual making quantitative valuations of its own.

It is natural to suppose that some relation between individual and social values must exist similar to that between individual and social morality; but before we proceed to examine exactly what that relation is, let us pause a moment to convince ourselves of the objective reality of the relative economic standard.

\* The writer wishes to acknowledge valuable suggestions received from Professor Simon N. Patten as to the proper scope of this paper



Without some standard, we are evidently quite at sea. The sufficiency or insufficiency of individual values (in the payment of debt, for example) cannot be decided according to an ideal standard, since such a standard does not reflect contemporaneous needs; nor can they be decided by a haphazard comparison of the claims of different social classes, nor of the conditions of different individuals (*e. g.* a creditor and a debtor), since such general considerations lack requisite definiteness. Just as an ideal standard is too absolute, so a weighing of general interests is not absolute enough. It is necessary, therefore, that individual values be compared to a social concept of value.

Such a social concept of value is not a mere fiction nor merely an intellectual necessity. While not tangible in the sense of a yard measure, it is objective in the highest degree, since, as will be shown later, it exerts a direct and powerful effect upon the individual by keeping him in constant touch with economic society, whether that society be viewed in the cross-section of contemporaneous distribution or in the perspective of deferred payments.

Some of the causes that have hitherto delayed the recognition of the relative standard of value are mentioned below. It is sufficient at present to notice that the principle upon which this standard is founded is the tacit assumption and basis of all social and national speculation. It is recognized in popular language. It is common to say that "The times are good," or "The times are bad." The former expression means that social *values* have increased, not merely that social utilities have increased; for an increase in the total utilities of society which is followed by a more than equivalent deduction in the form of rent, may not increase the purchasing power of the industrial world. The economist is yet to be heard of who has been able so scrupulously to guard his language as to avoid all statements about social prosperity, while historians speak of "good times" with refreshing naïveté. Even where allusions to

social prosperity, as such, are absent, they are replaced by a reference of private actions to the public point of view. An investment in government bonds, in time of war, may be capitalization from the private point of view, but is probably a loss from the public point of view. This point of view can be no other than the social standard of value. It cannot be that of any individual or class, except by chance, for one individual cannot be presumed to be nearer right than another; nor can it omit the interests of any individual or class, for then the abstraction of some portion of society will render the standard that of a different society from the one in question.

The actuality of a standard of value is thus proved by its necessity and its relativity. The difference between different economic epochs is precisely the difference between the economic standards. They are the normal expressions of the respective epochs. They are, therefore, real and objective.

The positive nature of the standard of value as a social concept having been thus briefly explained, the argument of this paper will be directed toward a more accurate knowledge of its properties. Following, therefore, the analogy of the individual in order to obtain the necessary simplified social premises, we shall proceed from individual values by imperceptible steps up to social values.

The preceding remarks have been intended to show the necessity to the human mind, both popular and technical, of the relative and objective idea of value. It is now proper to prove the continuity of this idea with that of individual values. The question of deferred payments is, perhaps, the most important of those that depend upon the social idea of value. The inquiry, therefore, may be made more specific by asking whether this question of deferred payments does not depend upon principles which are continuous with those upon which the ordinary assignments of values depend. The individualistic idea must be reconciled with the social

idea. It is fair to assume, subject to later demonstration, that total cost is the sum of all separate costs, and that total values are the sum of all separate values, although the several separate values may never precisely coincide with the several separate costs. If such a tendency to coincide, however, did not exist, we could not assume that the sum of all values corresponds to the sum of all costs. We must not only show that values are summed up from individual commodities to social wealth and from individual persons to society, but that the same method of reasoning applies throughout. That total value is the *sum* of all particular values will be shown to follow directly from the marginal statement of value to the effect that total value is the product of a marginal quantity and of a coefficient denoting the possible number of quantities available as substitutes for it.

The marginal quantity must naturally be economic; that is to say, it must depend upon utility. It may represent marginal utility either directly or by some other economic quantity, *e. g.* a commodity upon which it depends. A class of multiples obtained in this way may be represented geometrically as a parallelogram, and the writer assumes the liberty of speaking of value as an *area*. The demonstration, therefore, simply shows graphically that the marginal theory unifies logically all concepts of value. The margin is the point of equilibrium of cost and reward, *i. e.* the point where it does not pay to put forth further exertion. Value is the product of total cost and marginal reward, *i. e.* of the reward to the last exertion into all the exertions. So far as costs and rewards are homogeneous, value is continuous; it is a *sum*, and may be reasoned about continuously in the same way. Such homogeneity is coëxtensive with humanity. Therefore, such equilibria and multiples are equally extensible. There is no disjunction between individual and social values or costs. Value may, therefore, be predicated of groups as well as of single commodities. That total social value is not palpable to persons unaccustomed to

economic thought does not argue its unreality, but rather proves its psychic or unmaterialistic nature.

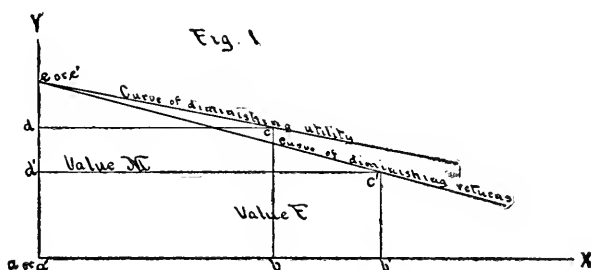
The continuity of value, in the wide meaning here indicated, is not, indeed, hastily to be assumed. The valuer takes so many different points of view with respect to the thing valued, and his conduct toward it at different times is so varied, that it seems possible that different uses of the term "value" may arise within economic science. That law of thought which makes science a process of generalization makes it imperative for the economist to search for a single all-embracing concept of value. The result should be that there is but one economic value, while it may have many aspects. Two principal aspects of economic value present themselves in the industrial world: the one is the ratio of contemporaneous values commonly treated in the economics of distribution as the exclusive concept of value; the other is the effect upon the quantities already equated by the first ratio due to another ratio—that of successive social values; *c. g.* if the first ratio declares that exchange takes place under the formula  $a = b$ , the second ratio declares that what was before  $a = b$  is now become  $2a = 2b$ . It is necessary to inquire whether the meaning of the term "value" in individuals' valuations is the same as the meaning of the term in social valuations. In other words, do the same forces exist in the two sorts of value in such a way that the two values are generically identical?

The two values of which science takes cognizance may be called merchant's value and farmer's value, or value M and value F. The former is represented graphically, as in Fig. 1,\* by the quadrilateral  $abcd$ , in which  $ab$  represents the number of commodities,  $bc$  their marginal utility, and  $cc$  the curve of diminishing utility.

\* A suggestion for this figure may perhaps be found in Professor Alfred Marshall's "Principles of Economics," 3d edition, book iii, ch. iii, § 1, n. 1: "We may say that the *Return* of pleasure which a person gets from each additional *Dose* of a commodity diminishes, till at last a margin is reached at which it is no longer worth his while to acquire any more of it."

Value F, on the other hand, disposes of the value forces in a very different manner:  $a'b'$  represents the investment or cost of production,  $b'c'$  the marginal reward, and  $e'c'$  the curve of diminishing returns.

Value M is employed by persons engaged in exchange and commerce, who chiefly think in terms of money. Value F is employed by those who produce and consume. It allows them to compare cost with rate of returns, and with surplus. They are enabled to weigh exactly whether the total of goods has reached the desired total value, and whether an increase of sacrifice is worth while. The meaning of value F, therefore, is that the total number of commodities represented by the value-area just repays the effort



expended to secure them. If a man is a producer, the returns to his last effort indicate that, in his judgment, the utility of those returns repays the effort; if he is a distributor or consumer, the utility of the last commodity purchased repays the purchase-money. In the former case, the utility is represented in the form of commodities, and the cost is an immediate factor in the form of labor or effort; in the latter case, the cost is represented by commodities and the utility is an immediate factor in the form of price or consumption. It follows, therefore, that the same man may make calculations about the same goods from either point of view, and that these calculations will represent the same utilities, the same final efforts, and the same total values.

In so far as the same forces extend beyond the interests of individuals to groups and to society, the same graphic representation applies. If the conclusions of the first part of this paper are correct, that the forces that go to establish cost, value, and surplus are social as well as individual, then this form of representation applies to society.

Now, there is nothing absurd or impossible in applying to society the form of representation of value M. We can imagine that society is willing to purchase so many goods and no more, simply because the utility of a further increment is not great enough to induce further social sacrifice; that is, because the satisfaction afforded by it is not at an equilibrium with, *i. e.* is not equal to the effort to obtain it. In this case, however, marginal cost and reward are indistinguishably blended into one line, *bc*, that of utility. There is nothing, therefore, to represent separately the chief objects of social inquiry. The results reached in M are those interesting principally to individuals engaged in exchange. Such persons do not care, at the moment, for an analysis of cost and reward; what they want is a comparison of the combined effect of cost and reward in the case of the marginal commodity, with the total number of commodities. Society, however (F), wishes to compare the returns to its last effort with the total number of equal efforts, and is satisfied with the fact that the total amount of commodity-reward really expresses the amount of satisfaction, without setting the latter off by itself. It is, therefore, natural that the students of exchange-value and of distribution should employ value M, whereas students of social prosperity employ value F.

It is found to be true that these two values are identical, the one which admits of the most convenient application, may be taken to represent all cases of value, for the purpose of showing continuity.

At the point at which money calculations cease, M may be dropped without any break in continuity of value. In

other words, we may ascribe value as truly to those larger groups whose calculations are in terms of cost and surplus, as to the individuals whose calculations are made in terms of goods and satisfactions. If, finally, we find that present society as a whole is, in a sense, a trader with past and future societies, we may freely revive *M* as an expression for social value.

Each individual, however, has his value *F* as well as his value *M*. Even though he be a merchant, he must continually compare his outlay with his returns. It is this comparison which establishes his individual margin of consumption. He is a microcosm, constantly seeking to obviate waste and to increase efficiency. He inquires how much purchasing power, *i. e.* productive force, in his case, he shall expend, in order that the marginal return shall be greatest, consistently with a given capital. In selling, he inquires what marginal price will bring the greatest value, consistently with the stock of goods on hand. Now these two values are generically identical. Whether he be a producer or a consumer, he has nothing but value, pure and simple, in mind. Too much stress cannot be laid upon the oneness and universality of economic value in whatever combination its elements may momentarily appear.

The general social use of this duality of value is evidently in order to allow the individual to compare his personal margin of consumption with that of society; and to allow him to effect those adjustments of his private economy, his efforts and self-denials, which shall keep him in normal relation with society. If his efforts are too great, they will fail of appreciation and reward; if too small, he will be distanced in the social race. If his marginal efforts are too great, he will be paid only the price of the less efforts of others; if too small, he cannot be paid at a higher rate than the greater efforts of others, and the current rate of payment will not put him in as good a position as others unless he increase his efforts again. At the same time, he is to have

play for that individual character which affects society and makes for differentiation in it toward the ideal. This differentiation is chiefly accomplished through extraordinary and unrewarded efforts—through an unusually low individual margin. An individual marginal effort greater than the normal marginal effort will not be rewarded *economically*. It will give rise to a moral value; it takes the activity in question out of economics and into the category of ethics, and even of ideal ethics. When we say that the action of the community is abnormal, we mean that it tends toward a lower ideal. A reformer is one who seeks to stay this retrogression.

Suppose that an individual's marginal production is above what is normal. Then, at the market price of goods, the marginal utility of money will be low to him, and the curve of diminishing utility ("demand curve") will be steep.\* He will not be immediately deterred from extending his operations further, and, indeed, ambition, professional pride, or some other motive than that immediately implied in gainful occupation is pretty sure to push him on, if the value of money continues fairly even, until his margin of consumption is reduced to that of society.

If his marginal return is lower than what is normal, then the marginal value of money and of goods will be high to him, and his curve of utility will be flat; he will inevitably seek for better investments and more favorable opportunities, in order that his margin of production may rise to the normal level.

In the market-price, society possesses a most potent means of creating an absolutely identical margin of production or consumption for all. It is to be noted that the economic problem of the relation of the individual to society is one of equal total production of each individual only in the sense that total production is approximated through equality at the margin; but equal margins mean very different production

\* Alfred Marshall, "Principles of Economics," 3d edition, Vol. i, p. 175, note 1.



to different persons. Moreover, society is really not concerned with the leveling of individual economics, except in so far as individual effort and enterprise are involved. Those products which are adventitious or due to personal advantage are unsocial and uneconomic. Doubtless, diversity in advantage in each line of production is essential to society for reasons that present themselves to the economist as pertaining to the outer ethical world. To him this non-economic or quasi-economic element is the incommensurable portion of his subject-matter. It is measured only by physical standards; it has no marginal or economic measure. Economically it is a residual or a surplus. Measurable elements alone are economic forces. Economic forces play at the margin of effort and reward in such a way as to correlate all the measurable elements into one organization; and the argument of this paper is that this play of measurable forces is as active in the equating of the economic circumstances of society at different times as of different individuals at one time.

This identity of values in exchange ( $M$ ) with those of production ( $F$ ) may be graphically demonstrated. The construction of Fig. 1 has been already described;  $ec$  probably lies above  $e'c'$ , because, as marginal returns ( $b'c'$ ) decrease, marginal utility ( $bc$ ) decreases less rapidly; in fact, in so far as it depends on absolute returns, relatively increases;  $bc$  does not absolutely increase because of the independent estimate, which causes utility to decrease with absolute quantity ( $ab$ ) faster than it increases from scarcity at the margin of returns ( $b'c'$ ).

The curve  $ec$ , therefore, contains two elements: an absolute estimate, due to diminishing worth\* of successive increments of goods; and a relative estimate, due to the rate of decrease of  $b'c'$ . The combined result is expressed, at the margin, by the line  $bc$ .

\* See present writer's article, "Evolution of the Idea of Value." *Journal of Political Economy*, September, 1895, p. 427.

The curve  $e'c'$ , however, has only an absolute shape, due to the absolute returns to the investment, which is represented by  $a'b'$ . This absolute relation is expressed at the margin by  $b'c'$ .

If, now, the two quadrilaterals  $abcd$  and  $a'b'c'd'$  are made up by the same forces acting always in such a way as to produce the same effects, then they may be taken to be equal. At first it would seem as though each was independent of the other, because the curve  $ec$  contains an element (worth) entirely lacking in  $e'c'$ . Worth is the element in demand which is due to preference for an object for its own sake, independently of its quantity. This only proves that the two curves are independent, but not that the rectangles of whose sides  $c$  and  $c'$  are the loci are independent; for it may be that while worth cannot affect diminishing returns ( $b'c'$ ) directly it can produce a sufficient effect upon investment ( $a'b'$ ). Similarly, while diminishing returns ( $b'c'$ ) cannot affect worth, it can affect diminishing utility ( $bc$ ), through its investment ( $a'b'$ ), and through investment total commodities ( $ab$ ).

Suppose worth to increase;  $bc$  will continue to shorten (but more slowly than before);  $a'b'$  will lengthen proportionally faster;  $b'c'$  will grow shorter (but not proportionally), and  $ab$  will lengthen proportionally slower with the shortening of  $b'c'$ . In other words,  $bc$  and  $a'b'$  will decrease and increase in the same proportion; while  $ab$  and  $b'c'$  will increase and decrease in the same proportion. Thus, both areas  $M$  and  $F$  will increase absolutely:  $M$ , because  $bc$  decreases less rapidly than  $ab$  increases;  $F$ , because  $b'c'$  decreases less rapidly than  $a'b'$  increases; but this occurs in such a way that while  $b'c'$  shortens more rapidly than  $bc$ , at the same time  $a'b'$  lengthens more rapidly than  $ab$ . Mathematically expressed,  $\frac{b'c'}{bc} = \frac{ab}{a'b'}$ . These ratios being absolutely constant, it follows that the same forces act constantly in the two figures in such a way as to produce complete compensation, and that consequently  $a'b' \times b'c' = ab \times bc$ ; *i. e.*  $M = F$ .

In other words, an expression of value in terms of commodities and utilities is exactly the same as an expression of value in terms of efforts and rewards. Value is a statement either in terms of the utilities that depend on commodities, or in terms of the commodities on which the utilities depend. Utilities and corresponding commodities must be proportional. Then why not economically equal for all purposes of value measurement? In fact, if not commensurable by physical standards, then their constant relation is best expressed by an equality of value. The dissimilarity between the factors of the respective parallelograms is expressed by their difference in form; the economic identity of product is represented by the equality of areas.

It seems to be sufficiently demonstrated that we may treat value as an area for general purposes of economic investigation. The ground that we have gained is similar to the conclusions of any syllogism. It is a rule of thought that a conclusion once reached may be used as a premise for further argument. This procedure allows us to forget the analyses and combinations by which we arrived at our conclusion, and to devote our whole attention to a progressive step in our reasoning. The treatment of value as an area allows us to deal with it as a positive quantity presented to the imagination by a symbol of space, and the analogies flowing from the properties of space may be hoped to afford valuable stimulus toward conclusions that will bear the test of economic practice.

#### VALUE A SIMULTANEOUS EXPRESSION FOR RATIO OR DISTRIBUTION AND FOR WEALTH OR PROSPERITY.

While it has been shown that there is no break between the individual and society in the method of reasoning upon questions of value, it is still possible to illustrate more definitely the fact that the marginal theory of value accomplishes an end which must always mark an advance in science, viz., it expresses in one concept what had previously

been two separate concepts. The two concepts in question are that of a ratio in exchange and that of wealth, prosperity, or want-satisfying power. It is true that the latter concept lies behind the former, since a ratio in exchange is simply a comparison of values; but the dual statement corresponds to an habitual dual treatment by economists which is here sought to be unified.

The idea of value is, of course, a possession of the human race, and while the positive standard of value has fluctuated constantly, these two characteristics of the idea of value may be assumed to have been always present, although, perhaps, in varying amount. While the standard of value is objective, the conception of that standard is subjective. It is perfectly possible that while standards of value are attempting to analyze the standard, it may change. Notwithstanding the continual presence of these two aspects of value, economists have laid very different stress upon them. The object of the present paper is one of combination. The attempt is to give as nearly as possible a comprehensive *résumé* of the action and reaction of value between distribution and progress.

It has already been shown that all goods have their value, whether they be single goods or composite goods, or even the total goods of society; and we might proceed at once to explain the bearing of this truth upon the standard of deferred payments, were it not for the necessity of putting in its true light the relation of exchange-values in a community, to total values; for exchange-values are the ones considered in the concrete form in which value has usually been treated, in studying the laws of distribution and production; while total social values are those necessarily involved in questions of social prosperity.

Political economy tries to explain two principal questions: the first is, "Why do I have to pay a certain price for a commodity?" The second is, "Why am I richer or poorer than I was?" Economists have until recently confined

their theory of value to the answer of the first question. Evidently, however, the second question involves value no less than the first. If questions of wealth do not involve principles of value, then all talk of value is useless. On account, however, of their restricted use of the term "value," they were logically forced to treat of questions of prosperity in terms of commodities. Questions of prosperity, however, forced themselves to the front, and, in default of a sufficient theory of value, were treated under the quasi-legal category of quantity of commodities. This method greatly hampered reasoning upon the subject; for there was no way of accounting for the fact that a man or a community might become richer, *i. e.* might increase his or its purchasing power, while at the same time the number of commodities at his or its disposal, when measured by physical standards, might decrease. Economists were not ignorant of the fact, but treated it either as abnormal or as paradoxical or as a curiosity.

Now, however, that wealth\* on the marginal theory is measurable by economic standards, while prices also are measurable in the same standards it is opportune to make a statement of the simultaneous function of value in these two aspects, and of the light which value throws upon the action and reaction between these two categories—that of exchange and that of wealth. Further, the present paper endeavors to show that the same concept of value displays the same relations between social categories of exchange and of wealth. The persons treated of are different, the mode of reasoning is substantially the same.

The complete continuity from one set of values to the other, demonstrates that we have a right to use forms of reasoning with respect to producer's values (F) that were pertinent with respect to exchange-values (M). It will now

\* By wealth is meant total economic goods. No inference is to be drawn that wealth and value increase together, or that value is a universal measure of wealth. It is simply pointed out that wherever wealth is involved in calculated industry, there value appears.

be possible to give a more graphic representation of social values than previously in this paper. The point to which attention is called is this, that every case of a change in exchange-value may, or may not, correspond, or may only partially correspond, to a change in total social values; and that the simple representation of value as an area will make this state of affairs perfectly clear. Since merchant's values and farmer's values are equal, and since the latter are the ones chiefly employed in deciding questions of social prosperity, we are enabled freely to employ them continuously in our discussion. Let it be assumed, therefore, that all the goods in the community are represented by values computed upon the basis of investment or cost, and marginal returns. It has already been shown that the social margin, through the market-price or any other influences which tend to equalize men's activities, has a distinct relation with individual margins. Contracts to be executed in the future are made at the margin. In fact, the man who does not accommodate himself to the margin is an economic pariah. It is, indeed, true that many men do not conform to normal industry; but we do not need to concern ourselves with them further. Strictly speaking, however, it does not appear to be necessary that individual values be reduced to the social margin in order that the sum of them be taken in calculating total social value. Whether an individual value be reduced to the social margin or not, it ever remains the same value. It is true that the social margin has the effect pointed out, of increasing or decreasing individual values; but this is a secondary effect, an effect on production. The mere instantaneous translation of individual values from isolated individual economy to organized social economy cannot, geometrically speaking, change their area. If a margin is lengthened, the base, which is the multiplier, will be correspondingly shortened. Therefore, we are not called upon to suppose our collection of individuals to compose a strictly economic society. Of course, if they do not, normal action

cannot be predicated of them, nor will individual values be the same as they would if the social adjustment had taken place. The point is that the mathematical sum of values, costs, and rewards may be taken independently of a common margin, since each individual value once obtained is a positive quantity of the genus value, and hence commensurable with all other quantities of the same genus. Thus, on any hypothesis (either of a common margin or of unrelated margins), total social value is the sum of individual values. The necessity of the social relation is that the social margin be formed and thus a relative *standard of value* be obtained.\*

While the exposition of the comprehensiveness of value may be said to be complete in its general features, it is possible to present its operation more in detail, and, by a further use of the graphic method, to afford a more simultaneous concept of the nexus of actions and reactions between the individual and society, and between exchange and prosperity, which has already been traced as far as possible without a new appeal to such aid. The old theory of value as a ratio rises up to confuse us. It leads, indeed, to correct results in many respects. Is it abolished by the new theory? We certainly could not get along without it. We must constantly compare values. In fact, the principal purpose in obtaining values is in order to compare them. The new theory simply says that the value is not the comparison but an absolute prior quantity. The old theory assumed these prior quantities as general economic forces determining ratio of exchange, and called the latter "value."

The transition to the new theory is simple: if the ratio of commodities is given, then the ratio of values must be the reciprocal; for the ratio of commodities must be the immediate result of the ratio of values. If corn and wheat, measured by physical standards, exchange at 2:1, then the

\* Professor Franklin H. Giddings considers that all marginal utility presupposes a social condition. "Principles of Sociology," p. 42. It may therefore be necessary to distinguish the social margin from individual margins which are social, but not *the* social margin.

*absolute* values of corn and wheat must be as 1:2. This must be so, since every change in ratio of exchange of commodities must register a proportional change in the values of those commodities.

The first question, then, that naturally occurs is as to the precise position to which we must relegate the idea of *exchange* value. The familiar doctrine that the totality of values can neither be increased nor diminished is a corollary of the theory of exchange value which cannot be true if the doctrine of absolute values holds. Nevertheless, this assumption has been particularly useful in the attaining of truth with respect to the mutual relations of wages, profits, and prices; the interests of science, therefore, demand its preservation, if it can be harmonized with the graphic method of value areas, *i. e.* with the marginal theory.

In treating value as an area, it is not at all necessary that the area be graphically represented in the form of a rectangular parallelogram. It may equally well be represented by surfaces equal to those in the parallelograms, but bounded by curved lines.

Let us suppose that the commodities or groups of commodities to be exchanged against each other in a society are arranged about a circle (Figs. A1, B1), and that their exchange ratios are in equilibrium. By this is meant that we may represent the value of all the commodities by equal areas as the most convenient starting-point. In this way departure from original value-quantity will be more easily observed. The values of the commodities or groups, then, are represented by sections of the broad perimeter. Then the total value in society will be represented by the total broad perimeter.

Let us suppose some disturbing element, either in the factor of cost or in that of reward, to increase the value of wheat. One of two things may take place: either the increase of value will result in an addition to social values or it will not. The old exposition of the theory of



Figure Showing the Mutuality of exchange values

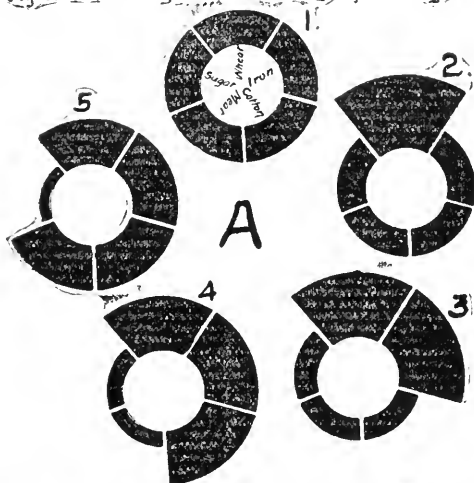
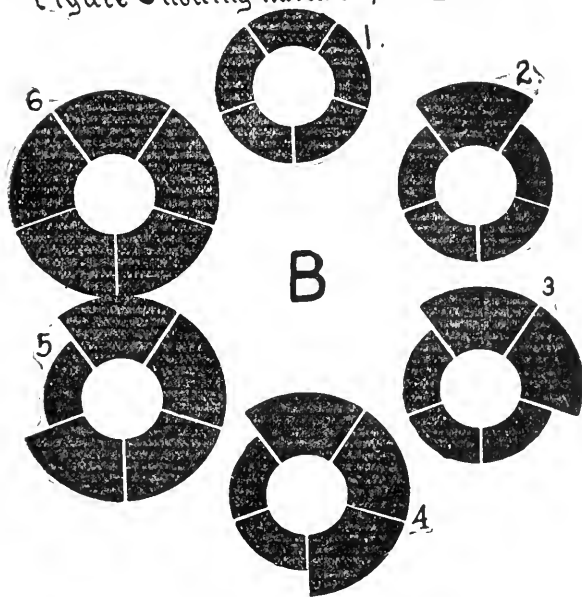


Figure Showing Increase of total Values



exchange-values stated that no addition to value could take place. The reason of this statement was that value was looked upon as a ratio and not as an area. On the old supposition, since the conception of social value-areas was absent, the increase of value of wheat (Fig. A2) was necessarily accompanied by an exactly equivalent contraction in value of iron, cotton, meat and sugar, so as to leave the total value-area the same as before. If, now, we can conceive of additions of value as being made successively to the remaining commodities, we find that the possible additions of value are limited in such a way that the values of commodities that have already risen must fall gradually until, when the circuit is completed, the restoration of equilibrium finds us still confined to the same constant value-area (Fig. A1).

This exchange conception of value may be represented numerically, as follows:

	Wheat.	Iron.	Cotton.	Meat.	Sugar.	Total Value.
Fig. A1, . . . . .	5	5	5	5	5	25
Fig. A2, . . . . .	9	4	4	4	4	25
Fig. A3, . . . . .	8	8	3	3	3	25
Fig. A4, . . . . .	7	7	7	2	2	25
Fig. A5, . . . . .	6	6	6	6	1	25
Fig. A1, . . . . .	5	5	5	5	5	25

The theory of exchange-value, including no concept beyond that of a ratio, unconsciously identified total values with total mass of commodities, while denying that there was such a thing as total values. It then proceeded, properly enough, to assume that the mass of commodities (*i. e.* total value on the absolute value theory) remained constant, and easily deduced the result that the extra commodity gains of one class must be the loss of another class of distributees, *e. g.* that wages fall when profits rise. Instead of openly assuming the constancy of values, that theory tacitly assumed the constancy of goods. It proved that if one class obtained more goods, another obtained less. It also admitted that

total goods might vary, but denied that the variations could affect values. The great difficulty lay in the fact that it was necessary to assume that, since value was a ratio, values could not increase; while, at the same time, it was admitted that there could be an increase of wealth in society. These two statements were repugnant, but were never reconciled under the old theory. Reasoning about distribution would have been perfectly correct on the supposition of unchangeable value, if positive values had been recognized. Economists, however, were driven to assume unchangeable total of goods or else give up the whole inquiry. But what if goods changed in quantity? On the supposition of constant quantity of goods, economists could at least say that if X did not get the goods, Y did; but in the case of constant quantity of value and changing quantity of goods, the old theory was wholly at sea. It did not consider the case as one of values. It simply admitted that if labor was more efficient, it might obtain higher reward in commodities without lessening the reward of capital; but this conclusion was not one in terms of value. The result was correct so far as it went, but was not economic. No law of substitution was known as a general solvent of present and future distribution through value. Such a law could only be discovered through the marginal theory. Common sense pointed to right conclusions, but there was no concept broad enough to embrace two periods. At one period a certain ratio of exchange exists between commodities; at another period, another. But the differentiation of values by and through which this occurs was too broad a generalization for the earlier stage of the science. Value, as a universal measure of all production and distribution (within the economic sphere) present and future, was not dreamed of.

The old theory admitted that the same or different proportional divisions might occur of different funds at different periods; but exchange-value gave no way of discovering whether the world was better off when a larger fund

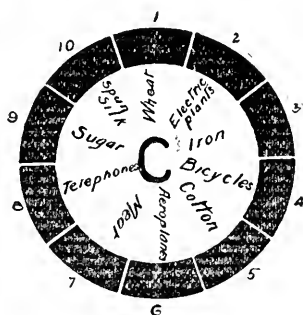
was distributed. It was assumed that such was the case, because what men want is wealth; but that method was unable to measure the new wealth and its effects on different classes, because it looked only to the distribution of the objects of wealth. A different distribution of objects of wealth, while it certainly will be proportional to the total values then existing in society, may or may not increase the former wealth of the distributee, and it is necessary to be able to measure this fact also. This is what is meant by saying that we must have a test of prosperity as well as of proportion in exchange. A man may have a smaller ratio than formerly and yet may have absolutely greater value; and this might even be true although he received absolutely less commodities.

What was needed, therefore, was a conception of value which should hold equally well for the wealth of to-day and for that of to-morrow, for that of society and for that of individuals, by means of which the connection between them could be traced. This need has been satisfied by means of the social margin of value and total values.

If we regard the object of men's strivings to be not goods, but values, then we see that our theory does not destroy conclusions that follow from the old principle that exchange-values of goods are not totals and only affect proportion of distribution of given funds. Moreover, this conclusion is as easily deduced from the assumption that the value-areas of society increase (Figs. B and C) as from the assumption that they are constant or that goods are constant (Fig. A). If we suppose (Fig. B) a constant increase of values, counterbalanced by no diminutions whatever, we reach again the equilibrium of exchange-values from which we started. We see that profits may, in this case, be increased without decreasing wages, because our idea of value has been enlarged to include new values—the idea is more dynamic. Figure B6 represents precisely the same state of exchange-values as Fig. B1. It is true that the wave of

rising value, as it sweeps about the circle, is neither preceded nor followed by a depression as in Fig. A; but it also again reaches a position of equilibrium. The manifest advantage of this demonstration over that of the exchange-value theory is that we here deal exclusively with homogeneous quantities. We are not troubled with a disparate confusion of values, on the one hand, and of goods on the other, but freely increase or decrease our quantities at will. Assuming for Fig. B a constant addition of five, then Fig. B6 is valued at 50, while Fig. B1 is valued at 25, *i. e.* each group of commodities is worth 10 instead of 5; but their ratios are unchanged. If, however, the additions to value consist of new wants and provisions for want (Fig. C), then the same total area is attained by lengthening the perimeter instead of broadening it, *i. e.* new commodities are introduced, but the value of each and their ratios remain unchanged.

To recapitulate: the theory of exchange-value contemplates only the condition of affairs represented by Fig. A. Value, as a total, is not conceived of, and, therefore, if it have any representation at all, can only, in the language of areas, be represented as constant. Positive additions to value being excluded, the only meaning that any stretch of imagination could give to Fig. B under the exclusive exchange-value theory would be that additional production takes place, and that this is what is represented by the accretion of area. (However, area of goods should, perhaps, diminish in order to represent increase of value.) The result will be the same as in Fig. A; for, other things being equal, the new production decreases exchange-values as much as it increases them (although it may greatly change absolute values). The distinction between B1 and B6, on that theory, can



only be one of quantity of products and not one of quantity of values. If A1 represent ratios of exchange-value, B6 can only represent ratios of new products corresponding to these same values.

But, if value is an area, then the accretions from B1 to B6 are real additions to total value. Exchange-values vary at each step, and are fully represented by the ratios of the areas of the respective segments, on the principle that values are inversely proportional to exchange ratios of goods, as above explained; and when the circuit of value-accretion is complete, then total values have gained, while exchange-values have been restored to the original equilibrium. The requirement of the exchange-value theory that total value remain constant is met, and the expansion of value expressed by the marginal theory is also indicated. The supposition in Fig. B is that no diminutions of value take place. The fact would generally be, however, that some diminutions of value-area would take place in the *different segments*, but that they are, on the whole, more than offset by the accretions in an advancing state of prosperity. For sake of clearness, the two processes of relative shrinkage and absolute expansion have been separated in the diagrams. The diagrams illustrate the well-known marginal theory that all value-changes, a result of a disturbance of the equilibrium of cost and reward in the case of each commodity, may or may not cause an increase of value in the case of that commodity, and hence may or may not contribute to increase the sum total of social value; and that, in each case, the question is whether total, *i. e.* social, value has been changed. The answer is to be found by inquiring whether the change in particular values has had such an effect that total cost has been changed in relation to total marginal reward in such a way as to change total value. If Fig. 1 be taken to represent total value, it will illustrate the case in question of a sum of values: If we take total cost and reward as constant, then distribution of them through

changes in the several marginal equilibria, serves to vary values in exchange without affecting the total surplus.

If we take the relations of the various particular marginal equilibria as constant (as represented in the diagrams by the different segments), then changes of total cost and reward serve to vary total value and surplus without affecting exchange values. Both processes take place simultaneously in practice. Each act of production has an effect both on exchange-value and on wealth, through the mechanism described.

#### THE APPLICATION OF VALUE-AREAS TO THE QUESTION OF DEFERRED PAYMENTS.

What addition to the exchange-value theory has been gained, it may be asked, by proving the continuity of value through all commodities and groups of commodities and activities of producer and distributor or measurer of commodities, until we have attained the sum total of commodities? The world is our limit; we cannot compare this total, nor employ it. The answer is that, at least, we could compare our total values with those of Mars, if conditions allowed, and that it would be absurd if we could not. But the practical answer is that total value is the most useful and comparable of all value concepts: exchange-values are the ratios of value-areas of commodities at one and the same moment; total values afford the ratios of the total social value-areas of different moments, periods, and ages, with each other. Total values are the positive norms of different periods and hence must be employed as the standards of deferred payments; they are thus the only means of solving perhaps the most universally and uniformly applicable economic problem. The application of normal reasoning to deferred payments will, therefore, now occupy our attention.

That society is constantly regulating its deferred payments on the principle of value already set forth, does not,

of course, appear without explanation. Such is, however, the case. Deferred payments are regulated by the same principles of value as ordinary sales. Two qualifications of the accepted conception of value alone are necessary to prove the truth of the last statement. In the first place, the principle of value which was primarily applied to the exchange of commodities and services, is now applied to a comparison of social totals. It, therefore, results in a ratio or comparison of norms or of social uniformities, for such norms have been shown either to be such totals or to be based upon them. In the second place (and this follows from the former proposition), while exchanges between individuals at one time are under one norm of value, and hence at one social margin of value, exchanges between individuals into which time enters, involve two norms or uniformities of value—that of the time when the obligation is incurred, and that of the time when it is liquidated.

Further: the goods exchanged at any moment, it is agreed, are of equal value; in other words, each party returns the same value that he receives. Now the object of the foregoing reasoning has been to show, that when the return payment is not made on the spot, but after the lapse of time, not only is it still true that the same value is returned, but that the delayed return of value is established or governed by the same principles as the immediate return of value. Every one admits, as self-evident, that the debtor should return to the creditor the same value that he receives, but many withhold assent when called upon to make the further admission that the organization of society is such that the same value will naturally be returned. The demonstration, therefore, has been directed to this point, that in all exchanges values are equated upon the same principles. How is this worked out in practice?

Suppose R receives from S a loan of commodities to be returned in one year. Now, suppose that at the end of a year, the total value of commodities in the community has



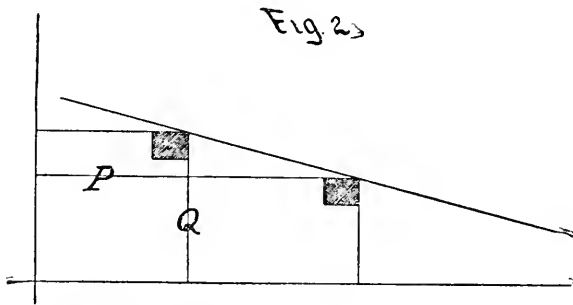
increased. In a state of normal prosperity, this means that investment has increased more rapidly than marginal returns have decreased. We may now permit ourselves to make use of the merchant's value in speaking of society as a whole; for while for purposes of prosperity-study we generally think of society as a producer rather than as an exchanger, still as we proceed from smaller to larger and larger social groups, no moment can be shown when society ceases to be an exchanger. In fact, as has been already hinted, one age or epoch does, in a sense, exchange with another, for the totality of deferred payments in a society is equivalent to a simultaneous payment from one society to another that has a different margin of production and consumption, and a different total value. In making such an exchange allowance must be made for the change in margin, in order that the relation of the particular value to the total or normal value may be known.

There is no reason, therefore, why we should not, at will, transfer our value  $F$  into a value  $M$ , even when dealing with the sum of social goods and values. The object, of course, is to isolate the value element of utility for comparison between total values of different periods. As has been already shown, the element of utility is concealed in value  $F$ , but is isolated as a margin in value  $M$ , and hence may be directly employed in that form.

Expressed in  $M$ , increased prosperity means that goods have increased more rapidly than their marginal utility has decreased. This increase of goods and decrease of marginal utility is a normal cause of the change in total values. They are, therefore, simply an expression of the law of value engaged in the function of determining the standard, and deferred payments must conform to them. They will conform in the following manner: the change in normal value will make it necessary for  $S$  to return to  $R$  more or less goods in order to keep the value equal. The same value will form a smaller part of the greater aggregate of values in existence

at the later period, and may require less or more goods to represent it. The proportion of the same value to the greater total will vary inversely as that total; *e. g.* the value of wheat in B1 is inversely to the total value in B6, as that total value is greater than B1. Now, this result is conceivably accomplished by increasing the money in the country in direct proportion with the increase in total value; for then, owing to the well-proven law that the demand for money varies uniformly in inverse proportion to the supply, rate of circulation remaining the same, each piece of money will have diminished in exchange value below the exchange value it would have had if values alone had increased and money had remained stationary, exactly in proportion as the whole amount of money has increased. An increase in values, the volume of money remaining constant, would have increased the exchange value of money proportionally. A proportional increase in the volume of money will again reduce its exchange-value to what it originally was. Now, in the case of money, exchange-value is the all-important aspect of value. Therefore, the desideratum in the mechanism of deferred payments is that the exchange-value of money remain constant. If this is accomplished, then the same amount of money will always return the same purchasing-power. Note the abuse of this lucid proposition by those who pervert "purchasing-power" into power to purchase the same number of commodities or the same number of days' labor or the same total utility instead of the same *value* of commodities or the same *value* of days' labor, or the same *value* of utilities. (As to the last point, it will be shown later that those utilities which are not the result of calculation, and thus a subject of economic measure, are not a part of economic value.) Consequently, each piece of money represents the same purchasing-power that it did before, and if S returns to R the price agreed upon when he received them from R, he will return the same purchasing-power.

Let  $P$  and  $Q$  (Fig. 2) represent the total values of the years 1890 and 1900, respectively, in the same society. The small black surface in  $P$  represents the value of a debt of \$100 incurred in 1890. The same surface in  $Q$  represents the same value to be returned in 1900. Value is thus seen to be absolute and permanent. Now, suppose the black surface to be  $\frac{1}{1000}$  of total value  $P$ , and  $\frac{1}{1500}$  of total value  $Q$ . It is plain, from the above considerations, that, in order that \$100 shall return the same value in 1900 that it afforded in 1890, the amount of money in the community must have been increased in the proportion of 1500 to 1000. It must always be remembered that the very unreal assumption is



made, *argumenti gratia*, that society regulates value through the circulating medium alone.

If, however,  $S$  returns the same quantity of goods, he returns less purchasing-power, because, with the increase of total values, there has, on our supposition, occurred a decrease in the value of goods; it now takes the same money, but more goods, in order to return the same value. The reason of this is that, while the normal production of society has increased, the marginal utility of goods has decreased. Suppose, in the former period, the number of goods was 10 and their marginal utility was but 5; then their value was 50. If, in the later period, the marginal utility of goods had gone down to 4, their value, 40, evidently would not pay the debt. A return of the same number of commodities

would cheat the creditor. It would be necessary to add 10 more units of commodity. If, however, the normal production was now 60, 10 commodities could easily be added and still a surplus of 10 be left for the producer. Now a return of the same amount of money would effect this division of the surplus production.

The variation in total value is thus clearly seen to rest upon two social norms or uniformities, a norm of production and a norm of utility. It makes little difference to the present argument whether they be looked upon as totals or as averages. It is, perhaps, better to treat them as averages incidental to the totals, *i. e.* as average production and average utility. In any case they can only be found by an investigation and summation of all socio-economic forces. They represent the condition and circumstances of the Economic Man—the man in average economic circumstances; not the economic man in the sense of a man who makes abstraction of economic motives from all others, but the man whose acts are relative to his day or epoch. We have here, evidently, no arbitrary distribution based upon vague considerations of policy or expediency with respect to political conduct toward classes in society, but a strict apportionment of the total wealth according to economic norm, viz, the law of value. It is true that the law of value, which is seen to be decisive of deferred payments, rests upon utilities. But they enter into its conclusions in a peculiar way, which has only been discovered after painstaking investigation, namely, through, or at, a margin of some sort.

It is to this point that the critics of value have directed their attacks when, convinced that the marginal reasoning applies to sales for cash, they retire into an inner line of defences, claiming that, in the case of deferred payments, general utilities, *i. e.* "policy" as to which classes in the community are to be preferred, are the only guides. The above reasoning shakes this defence. It would appear, indeed, that every possible motive of utility may have directly

or indirectly its economic effect; but that these effects work through a margin in the manner described above. However, in order thoroughly to vanquish the champions of "general utility," it will be necessary to carry the position of the advocates of "total utility" also.

It will now be understood more clearly that there is some reason for using the expression "exchange in time" instead of "deferred payments"; for precisely the same principles apply as in the case of ordinary exchange. There is one difference that clearly distinguishes the two cases: when exchange takes place simultaneously, then the margin of utility is the same for both parties; that is, it is determined by the same social margin of production and consumption, and therefore no account needs to be taken of changes in that margin; when, however, time has elapsed, we are compelled to inquire whether the margin of social production, and hence of social utility, has changed. Thus the marginal theory fits in both cases. It is no part of the scheme of such a paper as this, to indicate that system of money which will best satisfy this law; in fact, such an inquiry hardly belongs to the province of economics. The law that commodities exchanged at one moment are of equal value, needs no legislation to enforce it. It is true that a clear apprehension of such a law will assist legislators in facilitating its operation and deter them from obstructive measures. In the same way, the law of exchange in time must be presumed to express a constant tendency of economic activity. The mechanism by which society effects this tendency still needs study. It does not appear to lie wholly in the vulgar standard of value, *i. e.* the monetary supply. There may be various economic forces at work to give economic equivalent to the debtor or creditor apparently injured by excessive fluctuations in the supply of money. It has been suggested\*

\* Professor J. B. Clark thinks that the present (gold) metallic standard has substantially carried out the law of marginal value. See "The Gold Standard of Currency in the Light of Recent Theory," *Political Science Quarterly*, September, 1895. We must suppose, however, that under a silver standard or in a state of barter, society would be always striving to return equal values.

that there is a tendency to a fall in the rate of interest which seems calculated by the laws of society to compensate the debtor for loss occasioned by fall in prices. A more fundamental suggestion, perhaps, is that the appreciation, if any, of the circulating medium in the United States has been arranged by society to compensate capitalists for the great losses they have sustained through ignorant anti-capitalistic legislation. It may be that there are other compensations. At any rate, the exclusive province of the economist ceases with the formulation of the law; the statistician may furnish materials for decisions whether present conditions are obstructive of, or conducive to, its operation.

#### THE RELATION OF THE THEORY OF RENT TO THE STANDARD OF VALUE AND DEFERRED PAYMENTS.

Some of the objections which have been raised to the use of the doctrine of marginal value in order to determine normal economic conditions of society, and thus obtain a standard of value, appear to rest upon a conception of that doctrine different from that which is ordinarily accepted, and to confuse the several meanings of "utility," "value," and "rent." The contention that the money circulation or distributing medium should vary in proportion to total utility, rather than in proportion to value, is especially open to this criticism.\* This contention seems to imply that the total value theory leaves out of consideration that portion of the total utility which is ordinarily cut off as rent. That this is the point of view, is confirmed by the illustrations employed. Thus it is said that it makes a great difference to the owner of a well whether you propose to take a drink of water or to drain off all the water in the well. In the former case, he will value water very little, and in the latter, very much. Therefore, the value of a cup of water is no indication of the value of the water in the well. In the

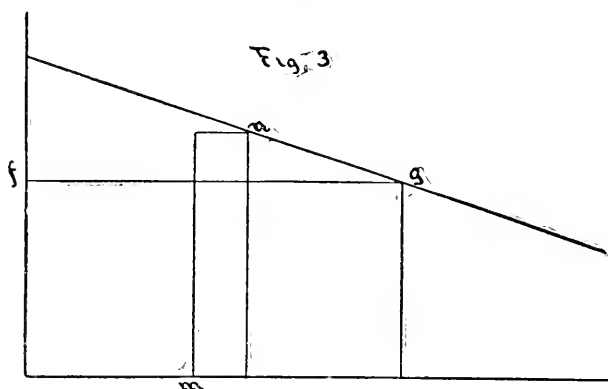
\* Edward A. Ross, "Total Utility Standard of Deferred Payments." *ANNALS*, November, 1893. Vol. iv., p. 425.

market, on the other hand, the value of the portion of the supply sold is an indication of the value of the whole, because the law of substitution says that if a higher price were asked, another equal commodity would be offered. But society at large is likened by the critics of the marginal theory to the owner of the well. No substitution is possible in society at large, and hence here also the distinction between total value and total utility is lost. This novel restriction of the application of the marginal theory of value seems to rest primarily upon the idea that this theory teaches that a margin once fixed is never changed, no matter what variation takes place in the supply of the community. But the marginal theory does not teach that the value of water in Jones's well is fixed, once for all, by the utility of a cup of that water at a moment arbitrarily chosen. On the contrary, that theory teaches that the value of the well water is *absolutely* fixed *only* in relation to the moment of time when the utility of the cup of water is in question. In a season of drought the utility of a cup of water would be much greater and the value of the well would still depend upon the number of cupfuls which it could offer as substitutes for the one in question.

That this misconception is the source of the new opinion, is shown by the use of the term "intra-marginal" value. Now, is there any such thing as intra-marginal value?—for all value is marginal value, repeated as often as necessary at the moment of estimation. If one or more commodities be removed from the stock, then a new marginal value arises, which, in turn, is attributed to all remaining goods or utilities. Thus, in the case of the well, the removal of a moderate quantity of water might cause the total value of the well to diminish; but if only a little water remained, the total value might be greater than ever before. A new value will arise with each abstraction of water, and this value will be an entirely different quantity from the total utility of the water; but will, nevertheless, in each case, depend indirectly

upon the total utility of the whole, through the immediate influence of the utility of the last or marginal cupful. Precisely the same thing is true of society. The reasoning of the present paper goes to show that its total value is dependent upon its marginal value, through its total utility or total production. If society be deprived of a portion of its goods, a new margin will be formed and a new total value will arise. The marginal theory of value is based upon the idea of utility, and teaches that utility has two functions:

- I. It forms value.
- II. It is distributed by value.



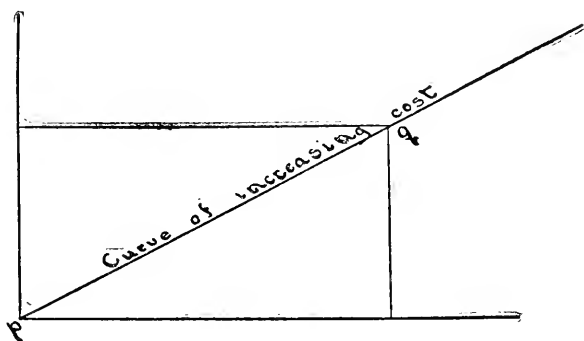
It seems to the present writer, that the functions of utility are exhausted in performing these two duties. The influence of utility in creating value has already been alluded to. The second duty of utility, that of being distributed by means of value, may readily be illustrated. Figure 3 may be taken to represent either merchant's or farmer's value. In the former case, the marginal value alone is attributed to the commodity  $m$ , the utility of which,  $mn$ , is much greater than that at the margin. Now, that portion of  $mn$  which lies above the line  $fg$  is called rent. Its meaning is that the utility of  $m$  is inevitably distributed in the proportion that the two portions bear to each other. This distribution



is not a result of the fact that the value is intra-marginal, but of the fact that the value is attributed to the commodity  $m$ , which is intra-marginal.

Again, suppose Fig. 3 to represent farmer's value. In place of total commodities, we have total investment; and in place of utilities, we have commodities. The area below the line  $fg$  represents producer's values, *i. e.* the amount of commodities which just repays the total investment; and the area above  $fg$  the excess of commodities above the marginal return, which constitutes rent. In this case it is equally true that the commodities  $mn$ , which correspond to

Fig. 4.



the investment  $m$ , serve to distribute the utilities produced by the same investment. The produce  $mn$  really represents a certain amount of utility, although decreasing from the bottom upward; and hence, through produce, there is a real distribution of utility in this case also. In this case, indeed, the fact of distribution is so universally admitted as to need no argument. And if the distributional rôle of utility were still doubted, it would be decisively proved by considering the element of cost in merchant's values (Fig. 4). The portion of value, which lies above the line  $pq$ , is producer's rent.

What further and different influences can be attributed to utility? The claim that the norms governing return-payments vary as total utility, seems to imply that the portion of utility which distributes rent would otherwise be neglected. It has, however, already been shown that the portion of utility so set apart has previously exerted its full influence in the formation of value, together with every other portion of utility. To count it in as an element additional to value, would be to count it twice; and to count total utilities in direct proportion to their areas as decisive of proportion in exchange of commodities, is simply to negative the marginal theory of value.

#### SUMMARY.

The conception of value pointed out in this paper is the result of a desire to contribute to a solution of the question of deferred payments. It was perceived that this question depends upon a combined working of two elements in value, one of which has received most exhaustive treatment at the hands of economists, while the other, belonging as it does to the borderland between economics and sociology, has but recently attracted attention. The values of exchange and the values of progress are the same, but the full treatment of the former has preceded that of the latter. It was soon observed that the question of deferred payments appeals to the new theories of value because they are essentially connected with the amount of social wealth, which is a quantity in the science of social progress. In order, therefore, to make use of the theories already well developed in the world of exchange, it was found necessary to emphasize, and, in fact, to point out the comprehensiveness of those theories, by showing in every way their continuous application through the whole of economic life, and to prove their conformity with the highest test of universality, viz. the maxim "*Natura saltum non facit!*" Symbolical representation was appealed to, and as earlier economists had given definiteness

to their reasonings on value by the mathematical concept of a ratio or of an equation, so now the attempt has been made to lend definiteness to the new doctrine by the geometric concept of a surface.

The stimulus afforded to the imagination by the area-concept helps us to appreciate at once the comprehensiveness and the unity of the marginal concept of total value. We perceive that total value may be split up in two different ways, according to the nature of the economic category in which it was originally combined. In the world of distribution, total value is analyzed into the two factors: stock of goods and final rate of satisfaction afforded by them. In the world of production, the same quantity of value is resolved into the two factors: labor (as a familiar expression for all cost), and final rate of production of labor. Both products or areas are determined by consideration of final utility and both are true values. The same method of reasoning that applies to smaller values applies also to larger ones; hence the total value produced and enjoyed by society may be split up in the two ways described. In taking the sum of social values, the procedure by way of producer's value ( $F$ ) has the distinct advantage that it enables us to perceive how the individual is kept in organic touch with productive society, neither falling absolutely behind it nor advancing before it. It is through this organic connection that a normal production is established. The values thus produced naturally resolve themselves into a normal quantity of labor and a normal marginal rate of returns to labor. Thus these values are a function of the two elements of industrial progress: they depend on the normal ease of production and the normal willingness to produce.

The reality of the conception of a normal social value is fundamentally rooted in the historical conception of the relativity of truth. Normal value is relatively true, *i. e.* it is a conception directly depending upon the facilities for supply and the capacities for demand that have been evolved

in the race at the moment chosen for inquiry. While the relativity of value establishes the truth of the social concept of value, the universality of value allows us to apply to larger and larger groups the methods of thought that have been approved for individual cases.

The second advantage flowing from the double analysis of value is that it enables us to perceive that every individual economic act has its effects upon total prosperity. The old method of confining the mathematical image of value to the ratio of the equation, monopolized the term "value" for what is really merely one of the effects of value.

In the question of deferred payments, the application of the method produces direct and simple results. Equal particular value-areas, representing debts, will bear inverse proportion to the increasing social value-areas. This simple statement completes the whole of the theoretical question of deferred payments.

Perhaps no higher test of the truth of a concept can be established than is to be found by studying its utility. The relativity of truth means its dependence upon utility. The foregoing utilization of the concept of value as an area appears to establish its truth. The highest utility which a concept can subserve in economics is that of unifying all categories of the science; in other words, that of creating a system. Economists have adopted from metaphysics the power of creating a system as the test of truth. The more diverse the phenomena that are reconciled, the greater the probability of the truth of the concept. If, therefore, the concept of value as an area establishes a complete continuity between values at one moment, and then again between such values and values at different moments, bridges the breach between exchange-values and wealth, and establishes a logical standard of deferred payments, it must be true.

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## CURRENT TRANSPORTATION TOPICS.

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### *Has the Interstate Commerce Commission power to fix rates ?*

The Federal Commission has on numerous occasions maintained that its power to pass on the reasonableness of rates, implies the power to prescribe rates. The courts, however, have decided against the Commission whenever the question has been brought before them. In the "Social Circle" case, passed on by the United States Supreme Court the thirtieth of last March, it was said :

"Whether Congress intended to confer upon the Interstate Commerce Commission the power to itself fix rates was mooted in the courts below, and is discussed in the briefs of counsel. We do not find any provision of the act that expressly, or by necessary implication, confers such a power. It was argued on behalf of the Commission, that the power to pass upon the reasonableness of existing rates implies a right to prescribe rates. This is not necessarily so. The reasonableness of the rate in a given case depends on the facts, and the function of the Commission is to consider these facts and give them their proper weight. If the Commission, instead of withholding judgment in such a matter until an issue shall be made and the facts found, itself fixes a rate, that rate is prejudged by the Commission to be reasonable."

In the decision upon the "Import Case," also handed down the thirtieth of March, the court took the same position. The Interstate Commerce Commission did not give up, however. In a case argued last November by the attorney for the Commission before Judge Sage of the United States Circuit Court for the Southern District of Ohio, it was contended that the Supreme Court in the Social Circle and Import Cases, had in mind the exercise by the Commission of a power to prescribe rates "of its own motion and without a hearing of the parties to be affected." One sentence of the Import Case decision was : "We do not wish to be understood as implying that it would be competent for the Commission without a complaint made before it, and without a hearing to subject common carriers to penalties." Judge Sage, however, decided against the Commission and held, as four other United States Judges in other suits have maintained within the past year, that the Commission is given no power by the existing statute to fix rates. The Commission will appeal the case to the Supreme Court, but its chances of success seem very slight from a layman's point of view.

*Discriminations in Railway Freight Charges.*

The ideal of equality of advantages for all shippers by rail is still far from being realized. Despite the efforts of the Federal and State Commissions, and of the railway traffic associations, discriminations in freight charges are still made. The encouraging aspect of the matter is that the railway associations and boards of trade are studying the evil, and trying to devise means of restraining the illegal and harmful practices of individual companies. At the November meeting of the New York Board of Trade and Transportation, the Committee on Railroad Transportation, whose chairman is Mr. F. B. Thurber, made a report containing a statement of four striking forms of discrimination.

The first form of discrimination mentioned is one connected with the transportation of Western grain. The grain of Kansas, for instance, is purchased by the associated dealers and shipped to Kansas City, where it is unloaded and stored in elevators instead of being sent directly through to Chicago or to seaboard points. The dealers, having thus secured the grain, induce the railroads to cut rates to obtain the shipments. The president of the Chicago Great Western Railway, A. B. Stickney, testified before the Interstate Commerce Commission in Chicago last August, that his competitors charged the Kansas and Nebraska farmer thirteen cents for hauling his corn 200 miles, while they charged the grain dealer six cents for hauling the same grain twice as far to Chicago. The recently reorganized Western Traffic Association has, for the present at least, put a stop to the breaking of grain cargoes at Kansas City, and is attempting to overcome the efforts of the grain dealers to compel the railroads to resort to discriminations against the farmers.

Another well-known method of discriminating in favor of the large shippers, is to charge much lower rates on freight shipped in car-load lots than on goods shipped in less than car-load quantities. This is one of the difficult problems of freight classification; the railroads claim that it costs less to carry goods in car-load lots, and hence they ought to charge less, and do all they can to develop traffic. In practice, however, they are thereby maintaining a most injurious form of discrimination, and one that can hardly be justified by any sound theory of rate-making. The cost of service is universally recognized to be only a very general measure of what railway charges for individual or particular shipments ought to be, or, in actual practice, must be.

A third cause of discrimination is the practice of fixing, for car-loads of light goods, arbitrary minimum weights, greater than the actual amount of freight that the smaller cars in use will contain.

The "minimum weight" feature of classifications makes the man who uses the smaller cars, pay a higher freight rate on light goods than is paid by the person who secures larger cars, and gives rise to discriminations. The Western Classification Committee, the Railway Club of New York and other bodies are studying this subject, but the prospects of an early solution of the question do not seem very probable.

An old form of discrimination, and one still frequently practiced, is the payment of large mileage fees by the railroad to the owners of private cars. It is asserted that the mileage fees paid in a year, have, in some instances, equaled the entire cost of the private car. The private cars give the large shippers an immense advantage over those doing business on a smaller scale, and tend to concentrate business in the hands of a favored few; while, in the meantime, the net earnings of the railroads are seriously cut into. The Joint Traffic Association has succeeded in reducing mileage fees somewhat, but not enough to stop the discriminations to which they give rise.

The forms which discrimination takes are many. An enumeration of these four prominent ones shows that the elimination of most discriminations can be brought about only by a careful study of their causes by the railway companies themselves, and by a concerted effort on the part of the railroads to put an end to those causes. The continuance of so many kinds of discrimination in spite of state regulation is a strong argument in favor of strengthening railway associations by the sanctions of law.

#### *The Re-Organization of Traffic Associations.*

The Joint Traffic Association of the Trunk Lines has now been in existence a year and has met with marked success. During the year the Canadian Pacific has become a member, so that the Association now includes the ten trunk line systems (comprising thirty-two companies), north of the Norfolk and Western Railroad, and west of New England. The lines of lake steamships have not yet become members of the organization, but negotiations to that end are now in progress. The Association's success is mainly due to the fact that its able board of ten managers, one from each large system, is in continuous session ready to deal in a competent manner with the fixing of rates and with the other manifold problems that arise in the conduct of the competitive traffic of the railroads interested. Above the managers stands the Board of Control, composed of the presidents of the railroad companies composing the Association, to whom appeals can be made by any company that objects to the recommendations of the managers regarding any particular rate. By the agreement, no company is to fix

a rate different from that recommended by the managers of the Association and Board of Control, except by a vote of the Board of Directors of the company.

The Interstate Commerce Commission took the ground that this agreement of the Trunk Lines violated the anti-pooling clause (Sec. 5) of the Interstate Commerce Act and the Sherman Anti-Trust Law of 1890, and proceedings against the Association were instituted by the Commission in the United States District Court of Southern New York, but the court held the agreement to be legal.

The parts of the Joint Traffic Association's agreement that were especially attacked in this suit, were Article VII, Section 2, and Article VIII. Section 2 of Article VII of the agreement provides that "the managers shall from time to time recommend such changes in said rates, fares, charges and rules as may be reasonable and just, and necessary for governing the traffic covered by this agreement, and for protecting the interests of the parties hereto therein, and the failure to observe such recommendations by any party hereto as and when made, shall be deemed a violation of this agreement. No company a party hereto shall, through any of its officers or agents, deviate from or change the rates, fares, charges or rules herein reaffirmed or so recommended by the managers, except by a resolution of this board." Article VIII of the agreement declares that "the managers are charged with the duty of securing to each company party hereto, equitable proportions of the competitive traffic covered by this agreement so far as can be legally done."

In holding the agreement legal, Judge Wheeler maintained that "these provisions of the contract do not provide for lessening the number of carriers, nor their facilities; nor for raising their rates, except expressly by its terms not contrary to law, and therefore not beyond what are reasonable. \* \* \* As this case rests wholly upon the contract as made and not upon anything actually done under color of, or beyond it, and each road is left by it to carry on its own business within lawful limits as before, no unlawful restraint of commerce seems to be provided for by it, and no ground for relief under that statute of 1890 is made out." The court further took the ground in the decision that the Interstate Commerce Commission is given power to prosecute parties guilty of violation of the Interstate Commerce Law, and for the enforcement of the same, but is not given the power to "provide remedies." The language of the court is, "Authority is given to the Interstate Commerce Commission to have proceedings for the enforcement of that law taken and prosecuted, but that is understood to refer to the usual and appropriate proceedings in such cases; and seems not to authorize any that are unknown



there. The right given here is to prosecute, but not to provide, remedies." The court did not consider the agreement of the Joint Traffic Association a pooling arrangement "so far as this agreement goes, each road carries the freights it may get over its own line, at its own rate, however fixed, and has the proceeds, net or other, of the earnings to itself. \* \* \* Provision for reasonable, although equal or proportional rates for each carrier; or for a just and proportional division of traffic among carriers, does not seem to be either a pooling of their traffic, or freights; or a division of the net proceeds of their earnings in any sense."

On April 6, before this decision was made, the South-western Traffic Association, comprising the Texas roads, was re-organized, and, in the main, the agreement of the Joint Traffic Association was followed as a model. In October, 1896, the Western Traffic Association collapsed, and the roads composing it established a new association having nearly the same plan of organization as the Joint Traffic Association. If these Associations are successful as they promise to be, and if the United States Circuit Court and Supreme Court decide the agreements to be legal, we may expect to see the other railway traffic associations establish organizations of a similar character. Such a course of events would do much to give stability to railway rates, and to narrow discriminations within closer bounds. If the railways can effectually overcome the forces, internal and external, that in the past have disrupted traffic associations, they will do much to lessen the evil of railway management.

#### *The Intervention of the Courts to Prevent Rate Wars.*

Last July a very violent rate war was begun by the Seaboard Air Line against the Southern Railway Company. The cause of the rupture was the establishment by the Southern Railway Company of a line of steamships to run between Baltimore and Portsmouth and Norfolk at the mouth of the James River. The Seaboard Air Line has for many years operated a line of steamboats on the Chesapeake, and consequently it resented the Southern Railroad Company's entrance upon "The Seaboard's territory." The act of the Southern Railroad Company was a perfectly natural and legitimate one. Up to last year, the principal northern terminus of that company had been on the York River, but events having made the mouth of the James a great commercial centre, the company decided to change its terminus to Portsmouth and Norfolk. It preferred to use its own ships for its business with Baltimore, and thus established a line of boats that ran over the same route as the ships of the Baltimore Steam Packet Company, owned by the Seaboard Air Line. This act caused the management of the Seaboard to inaugurate a rate war in July, covering not

only the charges for the steamboat service on the Chesapeake, but also rail charges to the south. Rates to points south of Baltimore, at which there was competition with the Southern Railway Company, were cut  $33\frac{1}{3}$  per cent. This reduction was met, July 20, by an equal cut on the part of the Southern Railway Company. Thereupon, the Seaboard Air Line extended the cut of  $33\frac{1}{3}$  per cent to all its business from Boston, Providence, New York and Philadelphia to the South. The Southern Railway Company, feeling itself much stronger than its rival, decided to resort to heroic measures and make the rate war a sh. rt and decisive one by ordering a reduction, effective August 1, of 80 per cent in rates.

At this juncture, the receiver of a road in the hands of a United States court, (the Port Royal and Augusta), asked Judge Simonton of the United States District Court of North Carolina, to enjoin both contestants from carrying out the rate reductions announced. Judge Simonton granted a temporary injunction and placed the hearing on the same, for August 15. The decision of Judge Simonton, made after the hearing, was handed down September 1, but he did not make the injunction permanent because his jurisdiction did not extend to all the parties in the controversy. He held, however, that rate war was illegal, that "it did not present a case of competition in rates, but of annihilation of all competitors."

The rate war broke out anew but the stockholders in the companies, and the merchants doing business in cities where rates were not to be cut, became alarmed at the loss of property which the continuance of the war would cause, and appealed to the courts to terminate the struggle. The next step to stop the war was taken by the Wholesale Grocers' Association of Augusta, which made a successful appeal to Judge Speer of the United District Court of Augusta. On September 10, Judge Speer ordered the railroads to restore the rate in force September 5; the basis of his order being that the low rates to Atlanta constituted an unlawful discrimination against Augusta, Macon and other cities, and hence violated section 3 of the Interstate Commerce law. The order was made returnable September 24. The railroads observed the order and restored rates at most points between September 24 and October 1. The Seaboard Line, being uncertain as to the extent to which the injunction applied to their road, did not announce the restoration of rates at all points until another injunction had been ordered (September 19) by Judge Hughes of the United States Circuit Court of the Eastern District of Virginia, sitting in Richmond. The complainant in this case was the Baltimore Trust and Guarantee Company, and other financial institutions holding railroad bonds. This brought the war definitely to an end.

Another interesting feature of this instructive rate war was the order by the railway commissions of Virginia and North Carolina, directing the railroads to reduce the rates on infra-state traffic in the same proportion that through rates had been lowered. This inaugurated a controversy between the railways and the commissions that was not settled when the rate war was terminated by the courts.

Soon after the struggle came to an end, it was announced, October 8, that a New York syndicate, headed by Thomas F. Ryan, had purchased a controlling interest in the Seaboard Air Line, including the Baltimore Steam Packet Company. The natural supposition of everybody was that this syndicate had some connection with the Southern Railway Company, and that the outcome of the rate war was to be the usual one of consolidation. Whether or not the Ryan Syndicate was acting in the interests of the Southern Railway is uncertain; but the fact that the managers of the Seaboard stoutly opposed the purchase by the syndicate, and actually defeated it after contracts had been made by owners of a controlling portion of the stock to transfer their shares to the syndicate, is a significant one. The Seaboard Air Line remains an independent competing company for the present and under its former management. If the rate war has taught the officers of the company that the real controllers of the road are the holders of stocks and bonds, and that these and other property-owners can appeal to the courts to enjoin the officers from waging rate wars that destroy the value of invested property, it has performed a good service. The power of the courts as regulators of railways has been used in a new and very important manner.

### *Railway Receiverships.*

The business depression of the past three years has compelled a large number of railways to pass into the hands of receivers to be sold or reorganized. The objectionable features of existing laws governing railway receiverships have, consequently, become more prominent than usual. The annual address made to the American Bar Association last August by its president, Mr. Moorfield Storey of Boston, contains a most excellent summary of the abuses resulting from the present legal practices connected with railroad receiverships. Mr. Storey only states well-known facts when he declares: "We have seen the managers, while stoutly denying up to the last moment that any such step was contemplated or that the company was in any way embarrassed, secretly prepare a bill in equity and without notice to any one interested file it in the courts of the United States, asking for the appointment of receivers. . . . The managers of the insolvent company have controlled both sides of the litigation; the

plaintiff and defendant have been in legal effect the same person, and that person the debtor company. . . . In brief, the representatives of the debtor ask that the creditors be deprived of that to which they are entitled in order to preserve for the debtor property to which confessedly it is not entitled. The receivership is not sought as incident to other relief, but is the sole and ultimate object of the suit." Mr. Storey would have the laws so amended as to give the real creditors a chance to "be heard in the choice of their trustees." "Every bankrupt and insolvent law that we have ever known has left the choice of the assignees to the creditors and the reasons for this rule apply equally in the cases we are considering."

By a law passed by its last legislature, Kentucky has the honor of being the first state to attempt to remedy the evils of railway receiverships, by giving the creditors greater power. This statute "to provide for the reorganization of railroad and bridge companies," stipulates that when such a corporation is in the hands of the court, "the holders of a majority of any class of securities issued by such company, or any class of creditors" may submit a plan of organization to the court. The plan must provide for the payment of taxes and liens to which labor and supplies are entitled, for the payment or assumption of liens prior to those held by the proposers of the plan, and, lastly, for the issue of new securities to those submitting the plan and to the holders of subordinate claims, in accordance with their respective rights. The court is obliged to consider the plan, and all classes of creditors are to be allowed a hearing. The court may approve, amend or reject the plan, but if it be approved by the court and accepted by persons holding three-fourths of the claims in the possession of the class proposing the plan and by the holders of three-fourths of the subordinate claims, the court shall declare the plan adopted.

An experience of the Atchison, Topeka and Santa Fé Railroad during November, illustrates an unusual misuse of the law of receiverships. In 1891, the State of Kansas passed a law prohibiting a corporation, twenty per cent or more of whose capital is owned by aliens, from acquiring real estate in Kansas, and decreeing that all real estate acquired in violation of this law should be forfeited to the state. Judge Myers, of the State District Court of Jefferson County, Kansas, made use of this law early in November, to attempt to place the main line and real estate of the Atchison system, included within Kansas, in the hands of a receiver appointed by himself. The order of the judge was sprung on the officers of the road and the public. The company was given no notice of the proposed proceedings; there was no evidence of any default of obligations on the part of the company, no creditor or security owner had any grievance. The suit was

brought in the name of the Attorney-General of the state by the District Attorney of Jefferson County. The officers of the railroad on the eighth of November appealed successfully to Judge Foster of the United States District Court at Topeka, to take the case out of the hands of Judge Myers. Judge Foster further issued an order restraining the receiver appointed by Judge Myers, from interfering with the management of the railroad until the case could be heard, the date set for the hearing being November 23. In the meantime, the Governor of Kansas had directed the Attorney-General to take personal charge of the suit. The suit came up for a hearing in the Federal Court, December 1 and 2, and was argued before Judge Foster and Judge Thayer of the United States Court of Appeals. The decision of these two judges, rendered December 7, was adverse to the railroad, and favorable to Judge Myers, to whom the case was remanded for trial. The case will now take the regular course and be tried in the District and Supreme Courts of Kansas, and be appealed to the United States Supreme Court. Pending the final decision of the legal questions involved it is agreed the receiver appointed by the court shall not demand possession of the road or interfere with its management by the company. The principal legal points to be decided upon by the courts are (1), Whether the act, prohibiting a corporation from doing business in Kansas if twenty per cent or more of its capital is owned by aliens, was legally and regularly passed by the legislature. It is claimed by some that the act was not passed by the legislature, although it is printed in the statutes of 1891. (2) Whether this act does not impair the obligation of contracts, and (3) Whether the act for this and other reasons is not unconstitutional.

*The Diversion of Export Trade to Southern Ports.*

There are unmistakable evidences of change in the course which a part of our products are to take to the seaboard. Up to the present time, New York has almost entirely monopolized the export trade of grain, whereas Southern ports have had little export business other than that of cotton shipments. New York shippers are complaining bitterly against the increasing competition of other Atlantic ports and the cities on the Gulf. Last August the New York Produce Exchange made a formal complaint to the Interstate Commerce Commission against the railroads, charging them with giving undue preference to localities other than New York, even to the extent of violating the Interstate Commerce Act. The two principal charges mentioned by the New York Produce Exchange, were, that the railroads in giving differentials of two cents in the case of Philadelphia, and three cents in the case of Baltimore, Newport News and Norfolk, in freight

charges for grain, flour and provisions, were unduly and illegally discriminating against New York. The complaint further alleges that the Joint Traffic Association, in maintaining these differentials and in enforcing other rules and regulations, have discriminated against New York and violated the Interstate Commerce Act.

It is doubtful whether the New York merchants can prove their charges against the railway; but there is no doubt but what the cities competing with New York for the export trade have certain advantages, the force and consequences of which New York merchants must expect to meet. In the matter of nearness to Chicago and the Middle West and Northwest, New Orleans and other Gulf ports have a decided advantage. New Orleans is as near Chicago as is New York.

St. Louis	is	1066	miles	from	New York,	706	miles	from	New Orleans
Kansas City	"	1343	"	"	"	856	"	"	"
Omaha	"	1403	"	"	"	1058	"	"	"
St. Paul	"	1322	"	"	"	1261	"	"	"

The ports competing with New York have made very important improvements in terminal facilities within recent years, so that it is possible to transfer grain from the cars to the ocean vessels more quickly and more cheaply in Baltimore, Norfolk, New Orleans, and other cities than at New York. In New Orleans, for instance, the Illinois Central has spent \$2,000,000 in the construction of a mammoth wharf and dock. New York City has the largest and most commodious harbor of any port; but, in one sense, the very size of the harbor of New York is a disadvantage. Grain has to be lightered from the cars to the vessels at an expense of  $1\frac{1}{4}$  cents a bushel.

During the past year, New York has seen her competitors increase the percentage of their export shipments far more rapidly than she has been able to. There has been no absolute decrease in the shipments from New York; on the contrary, there has been an actual increase, but the increase has been very slight in the case of New York and very large in the case of numerous other cities, particularly Boston, Baltimore, Norfolk, Newport News, New Orleans and Galveston.

New York is in no danger of losing her commercial supremacy. She is favored by the possession of the greater portion of the import trade from foreign countries; by having an ocean service superior to that possessed by any other city; by having an unrivaled harbor, and by the fact of the great concentration of business in that largest centre of population in the country. The fact that New York has the greatest import trade is of immense importance, and it is doubtful whether any city can ever deprive New York of this advantage.

EMORY R. JOHNSON.

## BOOK DEPARTMENT.

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### NOTES.

THE FOURTH VOLUME of Mr. Conway's praiseworthy edition of Thomas Paine's Writings\* calls for no special notice in the ANNALS. It consists entirely of Paine's religious works, comment on which would be out of place here. It is interesting, however, to note that his well-known views on the Christian religion proceeded directly from his political theories and social philosophy and his great desire to promote human freedom in thought and action. In reading, one seems to be perusing some recent work on "higher criticism."

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MR. WILLIAM ELEROY CURTIS has written an historical and descriptive book on Venezuela,† which presents a vivid picture of the political, religious, social and, to some extent, the industrial life of the Venezuelans. The appendix contains President Cleveland's message of December 17, 1895, relative to the Venezuelan boundary controversy, the letter written by Secretary Olney to Mr. Bayard, July 20, 1895, and Lord Salisbury's reply of November 26, 1895. Mr. Curtis sympathizes with Venezuela in her dispute with the British Government.

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THE ELECTION OF a Republican President and a Republican Congress inevitably recalls the wandering attention of economists and politicians to the tariff question. The last important French work in this field is from the pen of Messieurs Funck-Brentano and Charles Dupuis and bears the title: "*Les Tarifs Douaniers et les Traités de Commerce.*"‡ In nine chapters the authors discuss in an impartial way the principal problems which have arisen in connection with the tariff policy of France. They regard modern protectionism as the necessary safeguard of an agricultural state surrounded by countries whose industries are more highly developed, and devote little space to the theoretical arguments for and against the policy. A clear account of the machinery of foreign trade is given, together with suggestions as to how the statistics of international commerce may be

\* *The Writings of Thomas Paine.* Collected and Edited by MONCURE DANIEL CONWAY. Vol. iv, Pp. 521. Price, \$2.50. New York: G. P. Putnam's Sons, 1896.

† *Venezuela, A Land Where It's Always Summer.* By WILLIAM ELEROY CURTIS. Pp. 315. Price, \$1.50. New York: Harper & Brothers, 1896.

‡ Pp. 153, 1xx. Price, 7 francs. Paris: Rousseau, 1896.

made more accurate. In conclusion an elaborate table is printed giving a detailed comparison of the French and German tariffs at present in force. The whole work bespeaks a happy mixture of accurate scholarship and common sense which is rarely met with in works on the tariff.

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THE LAST VOLUME\* to be added to the series entitled "Periods of European History," deals with the eighteenth century. The title of the book, "The Balance of Power, 1715-1789," indicates with sufficient clearness the side of history which the author, Mr. Arthur Hassall, makes prominent. In the fourteen chapters of his work we have an excellent account of the principal wars and diplomatic changes which occurred from the death of Louis XIV. until the outbreak of the French revolution. Little is said, however, of the great social changes which were going on during this period, and still less of the economic forces which have given to Europe its modern complexion. The volume is supplied with useful maps, chronological tables, etc., which will commend it to teachers.

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THE WORK BY Professor Keasbey on "The Nicaragua Canal and the Monroe Doctrine," advance sheets of which have just reached us, has been awaited with much interest. As was expected by those familiar with the writer's earlier contributions to this interesting subject, the book contains a masterly history of the canal project from the time of the discovery of the new world to the present time. The introduction enumerates, and briefly compares, the eight routes across the isthmus, which at one time or another have attracted attention. Part I of the book (pp. 19 to 122) is taken up with a discussion of the "mercantile period of the absolute monarchy—the canal project a royal monopoly. 1492 to 1815." Part II (pp. 123 to 296) treats of "the period of liberalism and individual initiative—the canal project a private international undertaking under governmental guarantee. 1815 to 1865." Part III covers "the period of governmental activity—the canal project a national undertaking. 1865 to 1896." In part IV the author considers "the probabilities and possibilities of the future—the Nicaragua Canal a national American undertaking." The two chapters of this part are concerned with "the economic aspects of the canal project" and "the Nicaragua Canal and the Monroe Doctrine." The appendices give extracts from the treaty between the United States and New Granada, 1848, from the Dickinson-

\* *The Balance of Power, 1715-1789.* By ARTHUR HASSALL, M. A. Pp. viii, 433. Price, \$1.60. London and New York: The Macmillan Co.



Ayon treaty of 1868 and the full text of the Clayton-Bulwer treaty of 1868. Four maps are included in the volume. From this short notice it will be seen that Professor Keasbey's work contains a full discussion of the Nicaragua Canal enterprise in all its important phases. The critical review which the book merits must be postponed to a later number of the ANNALS.

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THE TREASURY DEPARTMENT has issued a volume on "Money and Prices in Foreign Countries,"\* which contains some material of value to the students of monetary conditions and systems. It was prepared by consuls in reply to interrogatories concerning the standard of value, amount of circulation, wages, prices, etc. As might be expected, the reports are uneven in quality, and the unwary reader can easily acquire from them a large amount of misinformation. The statement in the report from France that the "mint price of gold" is 110 francs, or \$21.23 per ounce Troy, is an illustration of the kind of inaccuracy against which the reader must be on guard.

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AT THIS TIME when the incompetency of the present Turkish Government is so glaringly apparent it is instructive to turn to a study of Bosnia-Herzegovina that part of the Balkan peninsula freed from the rule of the Sultan and transferred to Austria-Hungary by the Berlin Treaty. "Rambles and Studies in Bosnia-Herzegovina and Dalmatia"† by the well-known archæologist and anthropologist, Robert Munro, is a book that summarizes in a most happy way the salient and characteristic features of the past life and present social and political conditions of the country investigated. Archæology, history and social studies are happily blended throughout the book. The volume is not a mere book of travel but a substantial contribution to our knowledge of Bosnia and Herzegovina. The reorganization of the government of these states was entrusted by Austria-Hungary to Herr von Kállay to whom Mr. Munro gives the highest praise. He has established and maintained religious toleration, protection of property rights, and has fostered trade and commerce by the construction of 3000 miles of roads and 500 miles of railways. Native industries have been fostered and the purchase of lands by freehold farmers has been promoted. These and other changes have produced "a

\**Money and Prices in Foreign Countries*. Special Consular Reports. Vol. xiii, Part 1. Issued from the Bureau of Statistics, Department of State, Washington, 1896.

†*Rambles and Studies in Bosnia-Herzegovina and Dalmatia*. By ROBERT MUNRO. Pp. 405. Edinburgh: William Blackwood & Sons, 1895.

sweeping reformation." The author declares that "the principles of law and order have taken a deep hold on the people of this corner of the Balkan peninsula."

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IN HIS "History of the Post Office Packet Service,"\* Mr. Arthur H. Norway has written entertainingly of a subject he has thoroughly studied. The post office packets, for the most part brigs no swifter than they should have been, connected Falmouth, the chief headquarters of the service, with important mail points in Southern Europe, the Mediterranean, the West Indies and America. Though owned by private persons and manned by common seamen, the packets which sailed under contract with the post office, were always armed—in theory for the defence of dispatches and of treasure, in practice for attack whenever attack promised to succeed. Mr. Norway's pages are animated with many a stirring story, though the work is more than a record of sea fights. The chapters on the North Sea packets, and on the struggle against the Continental system, illuminate a neglected aspect of Napoleon's policy for the isolation of Great Britain—that fatal isolation which is expected in every decade to work her ruin, and never does—and the last three chapters cast many a welcome sidelight on the history of American privateering during the War of 1812. The more humdrum side of the subject, too, is not neglected. In Mr. Norway's pages can be traced the development in sailing days of Britain's policy of extensive post office subsidies to merchantmen. Those payments, whether they were only a fair compensation for carrying the mails or were something more, unquestionably contributed to the upbuilding of the maritime supremacy which Britain's steam merchant shipping still holds no less conspicuously and no less tenaciously than does her steam navy. A history of the post office subsidies to transatlantic steamers from the pen of Mr. Norway, or of any other competent writer, would be welcome.

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"THE PROGRESSIVE REVIEW" † is the promising title of a new English monthly to be devoted to the consideration of political and social questions of the day. It is edited by two writers who have already attained some prominence as contributors to advanced economic and political literature and appeals to that large class of readers which finds itself out of sympathy with existing political parties and party

\* *History of the Post Office Packet Service between the Years 1793-1815*. Compiled from records, chiefly official. By ARTHUR H. NORWAY. Pp. ix, 310. Price, \$3.50. London and New York: The Macmillan Co., 1895.

† Subscription price, 14s. 6d. *per annum*. London: Horace Marshall & Sons. New York: International News Company.

progress, and which sighs for an organ really competent to reflect the reforming tendencies of our day. In the first number, for October, 1896, the program of the new journal is modestly outlined. Its editors are optimists. To them the chaotic condition into which most reform movements seem to have fallen is due, not to any lack of reforming enthusiasm, but simply to the temporary "paralysis of progressive forces." Leaders are needed in the domain of thought as well as of action to tide us over this period of doubt and hesitation. "Progressives" need a program grounded upon a scientific analysis of social phenomena, to give coherence to their efforts and to take the place of the groping opportunism, which may satisfy the men of action in the thick of the fray, but can never command the support of thoughtful citizens. It is to fulfill this mission that *The Progressive Review* has been started. It does not bind itself to any narrow creed, but finds itself "in closer sympathy with the more thoughtful and practical advocates of experimental collectivism or social radicalism than with any other school of politicians." To give precision to this declaration one of the ablest of the editorials in the first number discusses "collectivism in industry," and arrives at the conclusion that there is an inevitable tendency for those industries which can be reduced to routine and are subject to the "law of increasing returns," to pass from the position of competing industries into that of monopolies and thence under state control. Within the competitive field will always be left those industries which minister to our individualized wants, which call for artists rather than machine tenders as the means to their satisfaction. Nor do the editors regard these latter as a small or insignificant group. On the contrary they imply that the æsthetic development of the race will make it ever larger and more important.

In addition to the editorials which occupy about one-third of the space, each number of the review is to contain two signed articles, an account of "the progressive movement abroad," a "causerie of the month," and several unsigned book reviews and book notices. Among the contributors thus far have been Sir Charles Dilke, Edward Carpenter and Walter Crane, the latter writing of his late friend, William Morris. Others of equal prominence are promised for future numbers.

If the editors of this new journal are able to maintain the high standard which they have set in their first two numbers, we believe that the success of their venture will be assured. Their articles bespeak a ripe scholarship and maturity of judgment on social matters which is rarely found in combination with the clear and dignified style of which their pens are masters. Unlike so many of the reviews which have recently been inflicted upon an already over-reviewed

world, *The Progressive Review* contains nothing that is either dull or trivial. In it each one sincerely interested in the social problem will find food for thought and instruction. We can only wish for it the support which it richly merits not only from the English but also from the American reading public.

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#### REVIEWS.

*Appreciation and Interest.* By IRVING FISHER. Publications of the American Economic Association. Pp. 112. Price, 75 cents. New York: The Macmillan Company, 1896.

The subject here treated has long invited attention, and in view of its bearing on the monetary controversy it has been unaccountably neglected. The monograph is in three parts, treating respectively, Theory, Facts, and Applications. In part first the proposition is developed "That a [monetary] standard to be perfect need not be invariable. What is required is simply that it shall be *dependable*." Thus, assuming that the change in relative value is perfectly foreseen, "if the rate of interest in one standard is 8 per cent, then in another, which depreciates 4 per cent relatively to the first, it will be  $12\frac{1}{2}$  per cent," because  $100 \times 1.08 = 96 \times 1.125$ . This proposition, which, assuming perfect foresight, is self-evident, is elaborated in succeeding chapters to cover cases of compound interest, varying rates, etc.

In Part II the author seeks to ascertain how far the foresight, which he had before assumed, actually exists in business. "A definite test must be sought where two standards are simultaneously used." He first considers the case of coin and currency bonds of the United States. Currency was below par, but was appreciating, with the prospect of resumption. The rate of interest on currency bonds (determined, of course, by the selling price of the bonds) ought, therefore, to have been less. Such was indeed the case. But while the actual appreciation of currency during the period chosen averaged 2.1 per cent per year, the compensating decline in the interest rate averaged .8 per cent, or a little over one-third. A similar result follows on comparison of gold and silver bonds issued by the Indian government during the period when silver was falling in price. The holders of silver bonds anticipated the fall of silver to the extent of about one-third and protected themselves accordingly, losing the other two-thirds.

Finally, a comparison is made as to the rate of interest during periods of high and low prices, and (more pertinently) rising and falling prices in seven different countries, with a like result. A certain

compensation is detected, but it is very partial and uneven. It is inconspicuously noted in passing that "interest on private loans and farm mortgages . . . is less flexible, and the debtor's losses or gains in these cases are doubtless somewhat greater."

To these computations as to gold, currency, silver and commodity interest is added an interesting computation of interest in terms of labor. It appears "for 1849-57 and 1875-91 that the money rates were 8.2 and 5.2 per cent, the commodity rates 4.1 and 7.3 per cent, but the labor rates 7.0 and 4.8 per cent. We see, therefore, that in terms of labor, loans in America have actually been *easier* during 1875-91 than during 1849-57."

A general conclusion from these studies is that natural selection chooses as "captains of industry" those who have the foresight necessary for the management (*i. e.*, the borrowing) of capital.

The "applications" in Part III are to the bimetallist controversy. They begin with a concession to the bimetallist that there has been an uncompensated annual appreciation of from  $\frac{1}{3}$  to  $\frac{2}{3}$  per cent. This is followed by a criticism of Sauerbeck's index numbers, which give an average annual appreciation since 1875 of 2.7 per cent. The system is declared to be "subject to fatal objection . . . both because they are based on wholesale instead of retail prices and because they ignore expenditure for rent and for labor and domestic service in the family budgets of those who borrow and lend." And in any case "the question is not one of appreciation of gold. . . . It is . . . exclusively a question of foresight and of the degree of adaptation of the rate of interest."

Next it is claimed that bimetallism cannot correct past injustice, and, finally, that the fact of loss is not proof of injustice. "If a man insures his house and it burns the next day the insurance company suffers a loss, but not an injustice. If the company should ask for legislative relief, . . . it would be laughed to scorn." "A farmer mortgages his farm for \$1000 and 5 per cent interest. By the terms of the contract he takes all risks as to what the dollar will buy of wheat or anything else."

The book closes with a strong assertion that the gold standard is not necessarily permanently favorable to the creditor. "What bimetallist will risk his reputation in predicting the course of prices and interest in the next twenty years? *If* prices rise, we may with great probability predict that the debtor will win. *If* they fall, he will lose. But who knows which is the true 'if?'"

The work is of unequal value. It shows intelligence and industry throughout; the variable factor is its candor. The latter is sufficient for pure mathematics and absolute deduction. Part I is therefore

excellent. The only criticism is as to the use of complicated mathematical formulæ to express a simple proposition. They give it no added force, they lend it an unjustifiable appearance of exactness, and finally, they deter the uninitiated. The readers who will labor through this part of the work can be counted on one's fingers.

Part II is more valuable but more open to criticism. The *a priori* reasoning, of course, was easy. The important thing is to know how far the fundamental assumption of foresight is justified. Candor was more needed and less manifest. For instance, when we are told that interest on Indian silver bonds averaged .8 per cent higher than on gold as an offset to depreciation, it is conceded that another tenth should be subtracted because there was a constant and normal divergence of *two-tenths* before silver fell due to the friction of international exchange. The halving of this amount on the assumption of remote prevision seems unwarranted and is uncomfortably suggestive. The conclusion drawn from a comparison of interest in gold and silver using countries is certainly strained, while the computation of labor interest involves a glaring fallacy. But that which vitiates the conclusion most of all is the neglect of the time factor in the bonds compared. The currency bonds in the first comparison were to run ten years longer than the coin bonds, a fact which in view of the vicissitudes of investment and the natural fall in the rate of interest militates strongly in their favor and tends to depress the rate of interest. But what shall be said when silver bonds payable on three months' notice are compared with gold bonds running fifty or sixty years? Is there nothing in this permanency of investment calculated to tempt capital and lower the rate of interest? It is difficult to excuse the omission of a factor which is of itself sufficient to account for the major part of the difference in the interest rate. Nevertheless this part of the book is a valuable contribution, and would certainly have been so recognized had the next part been omitted. Here candor seems altogether lacking.

The first glaring fallacy to be met with in part third is the criticism of the index number system. The real criticism to be made against the index numbers, that we reach different results according to the number of commodities and the method of "averaging," is slighted, presumably because it is well known to have produced but slight error in practice thus far. But when the author asserts that retail prices should be considered instead of wholesale, and that rent, labor and services should be included as forming part of the family budget, he betrays a total ignorance (or neglect) of the real relation between prices and debts. What has the family budget to do with the case? Must we at this date enter upon the trite inquiry as to who the debtor

is, and why falling prices injure him? Apparently so. He is not the poor man, the laborer or even the average householder as such. He is "the captain of industry," so our author himself tells us, the one to whom by means of loans "society delegates the management of capital." He borrows, not for household expenses nor to repay in services, but for productive investment, and in amounts compared with which the "family budget" is but a bagatelle. He must pay these loans with products sold at *wholesale* prices. Finally, he is not a receiver but a payer of wages. Wages must, therefore, be considered, but not by introduction into the general average. A rise in wages does not compensate the entrepreneur for a fall in prices; *it aggravates his burdens*. To assume that a rise in wages makes loans "*easier* in the labor standard" is to travesty industrial relations, for the simple reason that the payer of interest is in general a buyer and not a seller of labor.

The next fallacy is less excusable. We are told that the borrower assumes certain risks in his contract from which he has no claim to be relieved any more than the insurance company from paying an unexpected loss. Who ever denied this? The bimetallist may well accept a comparison which so admirably serves his purpose. An insurance company takes risks and must pay its losses; but suppose the insured community wantonly or carelessly increases those risks, neglects its fire department and its water service, and leaves arson unpunished. Is this no injustice; has the company no right to protest, and must its grievance be laughed to scorn or met with the derisive shout, "keep your contract?" Doubtless risks incurred must be borne, but should we or should we not by our collective action seek to minimize those risks? I venture the assertion that few things better gauge the industrial development of a community than the degree of certainty which it has achieved in its economic activities. When it is proposed to farther eliminate risk, the reminder that the individual must not escape his contractual obligations is perniciously irrelevant, an effort to sidetrack discussion which is as unworthy as it is unacademic.

But the climax is yet to come. The gold standard is not to be regarded as favorable to the creditor, because no man knows whether under it prices will continue to fall or not, let alone all question of amount. Indeed! Then how about this much assumed foresight by means of which men were to forestall these changes? The author has thus laboriously climbed the tree of knowledge and then sawed off the limb on which he sat.

But the author's fallacies should not discredit the real results of his investigation. It is plain that changes in the value of money when foreseen do influence the interest rate by way of compensation.

This foresight under the most favorable conditions effects this compensation to an extent not exceeding one third. Under less favorable conditions and for the most numerous class of borrowers the compensation is less, if indeed there is any at all. Incidentally, too, some light is thrown on the cost of this compensatory process. Through loss and "discouragement" the entrepreneur learns to "bid lower rates." The meaning of this discouragement continued through a long period of falling prices will not escape the careful reader. More in need of elaboration is the influence of natural selection. This, we are told, chooses entrepreneurs skilled in forecasting the value of money. Certainly, but the prominence given to this quality is purchased at the expense of some other. The expert mechanician is displaced by the shrewd financier. If natural selection is to provide the most productive entrepreneurs she must not be handicapped in her choice by emphasis laid on other qualities.

Elaboration along these and other lines would have made the book more complete, more useful and more just. Nevertheless it is, in its present form, another argument, and a powerful one, in favor of the contention that the present standard is one ill adapted to the needs of an advanced industrial civilization.

H. H. POWERS.

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*The Coming Individualism.* By A. EGMONT HAKE and O. E. WESSLAU. Pp. xi, 347. Price, \$4.00. London: Archibald Constable & Co., 1895.

This book will make few converts. Hard-headed men are at best inclined to receive with caution the doctrine of "a coming —ism." When the prophet descends from his high place to become the vendor of a social nostrum, and a retrospect impressively unfolded as a philosophy of history appears as a mere bolster to an economic panacea—the message must possess some extraordinary merit to save itself from the quick oblivion of a tract of the times.

Such merit does not attach to the present work. In its general aspect, it is a successful instance of what the late Mr. Bagehot has called "conjectural history"—a fictitious interpretation of the possible causes of things existing. A widespread socio-economic unrest, a consistently non-individualistic policy—and a nexus is self-established! The purpose of the volume, on page 11, to show that "all the poverty and misery permeating the civilized states, except such as is deliberately self-inflicted or the result of ill-health, are due to temporary and local mistakes in legislation" develops, by page 194, into the placid conclusion that "powerful and irresistible causes of



human misery" have been "laid bare in this work," and the development is a process of wordy exposition instead of logical demonstration.

Such criticism is not cheap flippancy. The authors may be sincere and their conviction firm; but forcible adjectives and capital letters will not remove "the singular blindness characterizing the school of so-called New Economists of our times" (p. 13). Until then the benighted have at least physical justification for dissent from the unfaltering pronunciamientos, with which the volume abounds, and of which such statements as, the heavy excise on spirits is responsible for the growth of drunkenness in the United States (p. 210), or the licensing of places of amusement "drives masses of people to satisfy their emotional cravings in drink and debauchery" (p. 231,) are picturesque but entirely typical selections.

J. H. HOLLANDER.

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*Race Traits and Tendencies of the American Negro.* By FREDERICK L. HOFFMAN, F. S. S. Publications of the American Economic Association. Vol. xi, Nos. 1, 2 and 3. Pp. x, 329. Price, \$1.25. New York: The Macmillan Co., 1896.

There are many indications pointing toward the beginning of a new phase in the study of the Negro Question. This is partly due to the general increase of interest in sociological studies, and partly also to the fact that the nation is just getting far enough from the heat and passion of civil strife, to take an unprejudiced, scientific interest in this problem.

Mr. Hoffman's book will on this account be welcomed as one of the first fruits of this new interest. The object of the author is stated to be the impartial application of the statistical method to the study of the condition and development of the American Negro. The work begins with a consideration of the numerical development of the race, and the author points out that here the Negro has lost ground in comparison with the white race, both north and south. His smaller rate of increase is connected with his larger death-rate which threatens his extinction. This death-rate, which is largest for constitutional and respiratory diseases, is traced by the author to the influence of certain "race traits and tendencies" rather than to conditions of life.

To prove this, Mr. Hoffman next turns to the physical constitution of the Negro, and finds by anthropometrical inquiry many differences between the white and black, particularly in regard to chest measurements. Moreover, he believes that along with a progressive

improvement in the physique of the white American has gone a deterioration in that of the black.

Turning to the social conditions of the Negro, Mr. Hoffman finds no evidence of a tendency to amalgamation with the whites, and considers the mulatto an inferior type. He considers that the advance in religious organization and in education is more than offset by the statistics of crime, poverty, and sexual immorality. Moreover, the author contends that although the freedman has accumulated some property, yet he is deficient in the first elements of thrift, and bears few of the public burdens.

The author finally concludes that the cause of the failure of so many peoples in the struggle of life is the lack of those race characteristics for which the Aryan is pre-eminent; and the Negro shows evidence of these same fatal shortcomings.

Evidently the striking thing about this work is its wide-reaching and positive conclusions. Among scholars the usual complaint has been, heretofore, the great scarcity of reliable statistics bearing on the Negro. The question, therefore, first arises: Where did Mr. Hoffman find material sufficient in quantity and quality to form the basis of so momentous deductions?

The author has drawn his data from various sources, but his main reliance has been the Eleventh Census, the statistics of soldiers collected during the war, and the recent vital statistics of large cities.

In the Eleventh Census, Mr. Hoffman expresses great faith, and thinks it as reliable as any of the previous enumerations. There nevertheless exists in the minds of many scholars grave doubts as to the accuracy of a large part of this census, and a disposition to base few important conclusions on its results. To this extent, therefore, many of Mr. Hoffman's conclusions will be discounted. The anthropological material collected at war-time is of undoubted value, if, as Dr. Gould himself points out, the student remembers that they relate to one sex only, and to the most healthful years. Finally, in all deductions drawn from the vital statistics of large cities, the student must know that only in recent years are these figures reliable, and that they give little or no clue to conditions in the country where over three-fourths of the Negroes live.

From a glance at this available material, most persons will at the outset be disposed to criticise the air of perfect conviction that pervades Mr. Hoffman's conclusions, and, considering the vast field which his work essays to cover, and the peculiar complications of the problem, would feel surer of the author's fairness and judgment if he more candidly admitted the contingent character of his broader conclusions.

We must first examine the author according to his own canons, and scrutinize his application of the statistical method. Much light and emphasis have undoubtedly been thrown on many points by his numerous and well-arranged tables; the great increase of Negro urban population, the great mortality of blacks in cities, and their accumulation of property in three states, are well shown. With all this, however, Mr. Hoffman has by no means avoided the many fallacies of the statistical method. This method is after all nothing but the application of logic to counting, and no amount of counting will justify a departure from the severe rules of correct reasoning.

For instance the author's first contention is that the Negro is not holding his own numerically with the white race. This same fact might be cited as to the Anglo-Saxon element in our nation; but Mr. Hoffman claims that even in the South, where foreign immigration has had little effect, the rate of increase among the whites exceeds that of the blacks: in order to prove this, however, the author relies solely on the Eleventh Census, and ignores the testimony of previous decades—a manifestly dangerous logical procedure unless special reasons for decreased growth appeared first in the decade, 1880 to 1890. The author discovers this special cause in the increased urban population and the increased death-rate which has resulted. But the Negro urban population in the South was, in 1890, by the author's own figures, less than eleven per cent of the total, and it is doubtful if a cause affecting so small a portion could exert so marked an influence on the whole. Moreover, even here the author contradicts his own logic, by declaring that the large city death-rate of Negroes is mainly attributable to "race traits" and not to "conditions of life." Consequently it would seem incumbent on him further to prove that these race traits after being held in abeyance for at least a century, first took decisive action in the decade 1880 to 1890. Throughout this discussion, Mr. Hoffman continually forgets that he is comparing two special classes, the one usually vigorous and intelligent, the other with unusual disadvantages. It is therefore necessary for the student to place more stress on the absolute increase of Negroes, than their relative increase compared with the abnormal advance of white America. Compared with most modern nations the decennial increase of American Negroes has been large, and although, as in the case with other peoples, it has been lessening each decade, it is still higher than the decennial increase of England and Wales.

Mr. Hoffman shows that the death-rate of Negroes in cities far surpasses that of whites; in ten Southern cities the annual death-rate for whites averaged during the four years 1890 to 1894, 20.12 per thousand; that of Negroes, 32.61 per thousand—the chief cause of the higher

gross Negro mortality being, naturally, an immense infant death-rate. This is a dangerous excess and calls for immediate and careful remedies.

One cannot, however, agree with the author that this excessive death-rate threatens the extinction of the race. Compared with death-rates elsewhere it is not remarkable. Mr. Hoffman knows that the large cities of his own German fatherland showed an average death rate of 27.50 in 1880-85, and some cities like Munich, a rate as high as 32.80 in 1878-80. Indeed Montreal, Naples, Belfast, Budapesth, Breslau and Madrid, all have shown within a few years, death-rates which equal and often surpass that of American Negroes in cities. Moreover it may be doubted if the sanitary conditions of the Negro portions of Southern cities are, on the whole, as good as the conditions in the above-mentioned municipalities.

Of course no careful student would think of judging the death-rate of Germany from that of Munich, or of arguing that an increase in the death-rate of Paris showed an increase in the death-rate of France. Yet Mr. Hoffman commits very similar mistakes; he bases his arguments as to the threatened extinction of the Negro almost solely on city death-rates, and argues that an increase in these death-rates means an increase in the general Negro death-rate. Such logic would be erroneous, even if Mr. Hoffman proved that, following the recent rush of Negroes into cities, their death-rate there had increased. Even this point, however, the author assumes on insufficient proof. The figures he adduces for Baltimore, Richmond, Washington, Louisville and Atlanta go back only to 1890, but in that period they all show a decrease in the Negro death-rate. Mobile, Savannah and New Orleans show a decrease since the war. Charleston alone shows an increase, and Mr. Hoffman, on the ground that the records in this city are continuous for a longer period than in others, concludes that they are "therefore the most satisfactory from a statistical standpoint," and from this data concludes that "the Negro mortality has largely increased since emancipation, and that too in the localities considered most favorable for the race."

Many tables prove the great susceptibility of Negroes to respiratory diseases. That this susceptibility has increased since emancipation, however, is very doubtful. To prove this thesis the author uses four sets of statistics: Gould's anthropological statistics, the measurements of soldiers during the war, the reports of the hospitals of the Freedman's Bureau and Dr. Billings' mortality reports. The careful statistician will immediately see that, while all these different sets of figures give data interesting in themselves, they must be used with great care in comparison, because they relate to different classes of

people and to widely different conditions of life. The first two sets refer to the same period—1863-66, and to recruits and soldiers in the field; the third set refers to men, women, children and even new-born babes—the outcasts and refugees of war-time; finally, Dr. Billings' Negro death-rates refer mostly to the slums or worse portions of six great cities. Manifestly to take the absolute returns of these statistics and argue a decrease or increase of susceptibility to particular diseases among millions of people is unscientific. If Mr. Hoffman had followed up the statistics of the special class with which he commenced, *i. e.*, soldiers in the United States Army, he would have gained a far better scientific basis for deduction. These figures do not in any degree support Mr. Hoffman's contention. Not only do the reports of the Surgeon-General show a progressive decrease in the mortality from consumption among Negroes in the army, but a progressive disappearance of the difference in the mortality between whites and blacks from this dread disease. The same fact is noticeable in the statistics of general disease.\* From such figures it would be rash to draw many inferences as to the condition of the race as a whole, and yet, for purposes of comparison, they are far superior to Mr. Hoffman's tables.

One extreme case of abuse of the statistical evidence deserves to be cited. Dr. Gould publishes the following table (Anthropological Statistics, p. 530), showing the distance at which soldiers could read a test object:

CLASSES.	Men in usual vigor.		Men not in usual vigor.		Aggregate.	
	Number examined.	Distance in inches.	Number examined.	Distance in inches.	Number examined.	Distance in inches.
White Soldiers . . . .	6564	47.77	1357	45.10	7921	47.31
White Sailors . . . .	269	36.57	. . .	. . .	269	36.57
Blacks . . . . .	778	45.33	140	46.13	918	45.45
Mulattoes . . . . .	186	47.23	67	44.69	253	46.56

Mr. Hoffman regards this as proof sufficient to justify the statement that "The power of vision of the negro is inferior to that of the white" (p. 171).

Such examples as I have cited show that the author does not always use the statistical method with the nice discrimination which its nature requires, and has often allowed himself to be hurried into conclusions which agree with his general thesis, when the facts

\* Cf. Report of Surgeon-General in Report of Secretary of War, 1894 and 1895.

bearing on the particular point under consideration offer no conclusive testimony.

In his general social conclusions Mr. Hoffman lays before us many considerations to which attention has seldom been called before; chief among these are the statistics of illegitimacy in the city of Washington, and of property-holding in Virginia, North Carolina and Georgia.

The proper interpretation of apparently contradictory social facts, is a matter requiring careful study and deep insight. If, for instance, we find among American Negroes to-day, at the very same time, increasing intelligence and increasing crime, increasing wealth and disproportionate poverty, increasing religious and moral activity and high rate of illegitimacy in births, we can no more fasten upon the bad as typifying the general tendency than we can upon the good. Least of all can we subscribe to Mr. Hoffman's absurd conclusion, that "in the plain language of the facts brought together the colored race is shown to be on the downward grade" (p. 312). Such contradictory facts are not facts pertaining to "the race" but to its various classes, which development since emancipation has differentiated. As is natural with all races, material and mental development has, in the course of a single generation, progressed farther than the moral: to save a little money, to go to the mission schools, were paths of progress much easier of comprehension to the dazed freedman, than the rehabilitation of the family relationship which slavery so fatally destroyed. On the other hand, when the younger generation came on the stage with exaggerated but laudable hopes of "rising," and found that a dogged Anglo-Saxon prejudice had shut nearly every avenue of advancement in their faces, the energies of many undoubtedly found an outlet in crime.

To comprehend this peculiar and complicated evolution, and to pronounce final judgment upon it, will take far greater power of analysis, niceness of inquiry, and delicacy of measurement than Mr. Hoffman brings to his task. In the absence of such an investigation, most persons will persist in seeing in the figures which Mr. Hoffman himself adduces, grounds for great hope. Rome, Munich, Vienna, Stockholm, Paris and Brussels have all shown in recent years more startling percentages of illegitimacy than the Negroes of Washington; while the Negroes of Rhode Island showed a rate of only five per cent of illegitimate births in 1890. The criminal statistics raise the whole question as to how far black and white malefactors are subjected to different standards of justice. The record of poverty is not startling for a people who started practically penniless a generation or two ago. On the other hand how much of toil, self-denial and patience does

the fifteen millions of Negro property in Georgia represent, or the 833,000 acres of Virginia soil?

To sum up briefly, the value of Mr. Hoffman's work lies in the collection and emphasis of a number of interesting and valuable data in regard to the American Negro. Most of the conclusions drawn from these facts are, however, of doubtful value, on account of the character of the material, the extent of the field, and the unscientific use of the statistical method. The book emphasizes the need of a Department of Negro Statistics in 1900, and of careful monographic study of the Negro in limited localities and from particular points of view.

As a piece of book-making this work invites criticism for its absence of page headings or rubrics, and its unnecessary use of italics. Moreover, Mr. Hoffman has committed the unpardonable sin of publishing a book of 329 pages without an index.

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*Letters of David Ricardo to John Ramsay McCulloch, 1816-1823.*

Edited, with introduction and annotations, by J. H. HOLLANDER. Pp. xxii, 185. Price, \$1.25. Publications of the American Economic Association. New York: The Macmillan Co., 1896.

Economists have for some years relied upon James Bonar's edition of Ricardo's letters to Malthus for information in regard to the development of the ideas of the former. A little more than a year ago there were brought to light some forty letters to McCulloch and twenty-four to Ricardo's country friend, Hutches Trower. The letters to McCulloch are now printed, and the Trower letters are soon to be made public. The letters are devoted, in each case, chiefly to economic topics. Between the letters to McCulloch and those to Malthus there are, however, substantial differences. Malthus and Ricardo were warm friends who frequently talked together, and the "Letters to Malthus" are supplementary to conversations of which we have no record. It was, on the other hand, but a few months before Ricardo's death when first he met McCulloch, and, in consequence, the "Letters to McCulloch" are as complete as half a correspondence well could be. We might expect, therefore, that these new letters would contribute even more than did the earlier collection to our understanding of Ricardo. Such, however, is not the case for two reasons. In the first place, the letters to Malthus cover the relatively plastic period of Ricardo's development as an economist, while the letters to McCulloch, beginning more than six years later, exhibit most of Ricardo's characteristic convictions already hardened into their final forms. In the second place, the letters to Malthus are addressed to an

adversary, to a rival for the vacant pontificate of economic orthodoxy, whereas the letters to McCulloch are addressed to a disciple. Hence in the letters to McCulloch many opinions are reiterated at length concerning which the substantial agreement of the two writers was already well known. On the other hand there are but few discussions, that upon the influence of machinery upon the demand for labor is perhaps the only one in which differences of opinion provoke an addition of real importance to our previous knowledge.

The chapter "On Machinery" first appeared in the third edition of Ricardo's "Principles of Political Economy and Taxation" (1821). His argument was somewhat awkwardly stated, and was unnecessarily involved with the difficult notions of "the gross and the net income of a society." In the light of these letters the argument becomes more simple. The substitution of machinery for labor may diminish the demand for labor—so Ricardo thinks—because the demand for labor depends upon the amount of circulating capital, and the amount of circulating capital is lessened when some proportion of the capital previously circulating becomes fixed in a machine.

Two other topics there are upon which difference of opinion between Ricardo and McCulloch gives rise to more or less prolonged discussion. These are the incidence of a tax upon wages and the measure of value. Regarding the tax on wages the letters bring out nothing not contained in the "Principles of Political Economy and Taxation." Regarding the measure of value, matters stand differently. In the letters to McCulloch, as in the better-known letters to Malthus, we may detect Ricardo's increasing dissatisfaction with his own theory of value.

I write "his own" advisedly. It is now somewhat the fashion to argue, as a contribution to the rehabilitation of Ricardo, that his quantity-of-labor theory of value was, somehow, less rigid in fact than it has long seemed to his readers. In support of this contention the letters are adduced. Ricardo himself labored under no such delusion as to what he had said. And his own view of his printed works is not only correct, it is also judicious. He recognized that Ricardo the economist was to his contemporaries, as he is to us, what his printed works made him. Those works have been subjected to searching criticism, and they have made him, to the orthodox economist and to the orthodox socialist alike, the high priest of the quantity-of-labor theory of value. We are now occasionally invited to contemplate his private correspondence as a mild but sufficient criticism upon his published theory. Even granting it to be such, is there, at this late day, any valuable element of novelty in Ricardo's self-criticism? Critics as unsympathetic as Jones, as erratic as Cannan, as violent as



Held, have despoiled Ricardo. Critics as illusive as Toynbee, as appreciative as Patten, as laborious as Bonar, have rehabilitated him. Under the circumstances it is not surprising that the letters to McCulloch add little to our knowledge of the theory of value, or to our knowledge of economic theory generally. But even if they fail in this respect, they are not without a considerable interest. They afford, at any rate, an intellectual vindication of Ricardo. They show that he did not remain wholly blind to those difficulties in his theory which almost every other thinking man has seen. And this intellectual vindication of the economist is the more welcome because the letters reveal many a pleasing trait in the man. But the reader who expects from the "Letters to McCulloch" much more than this is doomed to disappointment.

Dr. Hollander's relation to the letters is twofold: he is not only the editor of them, he is also their discoverer. His editorial work is at once unobtrusive and adequate. So far as I have been able to check it, it is also accurate. But the industry and the discrimination of the editor pale before the insight and the courage of the discoverer. Not since Vinogradoff unearthed Bracton's collection of cases in 1884, has any literary explorer in a similar field conceived his task more boldly or prosecuted it more intelligently than Dr. Hollander. One can but regret that his modesty prevented him from giving a fuller account of his successful search.

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*Governments and Parties in Continental Europe.* By A. LAWRENCE LOWELL. Two vols. Pp. xiv, 377, and viii, 455. Price, \$5.00. Boston: Houghton, Mifflin & Co., 1896.

Attention should first of all be directed to the title of this work; it deals not simply with constitutions and governmental machinery, but also with political parties, "which furnish the main motive power in public life." Nearly all treatises on government are deficient on this side; many pay practically no attention whatever to it; not, perhaps, because writers are blind to the influence and importance of parties in the workings of political institutions, but rather because the material is so elusive, and the subject so complicated, that few have ventured to deal with it to any degree of fullness. Then, too, a foreign observer is at an evident disadvantage in the study of a topic like this. One cannot, perhaps, affirm that Mr. Lowell has made no mistakes whatever in this portion of his work; for it is beyond reason to expect that a native might not detect errors of judgment or even in statements of fact in the accounts and discussions of the well-nigh

numberless political parties that are to be found in most of the countries dealt with in this book. So far, however, as the reviewer's personal observations in some of these countries go, Mr. Lowell is remarkably free from both kinds of errors.

France, Italy, the German Empire, Austria-Hungary and Switzerland are the states treated. In the case of each there is a good exposition of constitutional provisions, together with sufficient historical elucidation to make clear how present conditions came into being. This part of the work does not call for special notice, because, although it is done remarkably well, and with excellent sense of proportion, and in some respects corrects mistakes into which others have fallen, at the same time it is not the real addition to political science which the book makes; for herein Mr. Lowell is not traversing new ground. The positive contribution is in the history and discussion of political parties; but before referring to this feature it may be well to touch briefly upon a few of the general characteristics of the work.

The book is not a mere description but it is an acute criticism of institutions; broad views, apt comparisons, especially with England and the United States, everywhere abound. The style is so straightforward and intelligible that one is never obliged to re-read a sentence to get at its meaning; nor on the other hand, have scientific accuracy and thoroughgoing analysis been sacrificed in order to secure clearness. On every page the author shows a mastery of his subject, which enables him to make the subject clear to others.

Mr. Lowell also brings out more plainly than others have done the part played by the courts in the institutions of the countries studied. The importance of the courts in our own system is well enough understood, but we are apt to overlook or underestimate their influence in continental European states; the author as a lawyer has recognized the part they play and by his treatment of this topic has helped to complete our knowledge of public law where others have left the gap. But Mr. Lowell is far more than a lawyer, in this and in all other features of his book; he is a philosophical student, with a large knowledge of history and of the principles of government, as his various writings heretofore have amply demonstrated.

Turning our attention now to those portions of the work devoted to political parties, the reader should at the outset be warned that a review of this feature of the book can give but a very inadequate and imperfect notion of the abundant research made by the author in order to render his treatment of this subject as complete as possible.

In France, the first country taken up, one is immediately struck by the large number of parties and factions or groups. This is due principally to the fact that in France, quite contrary to the normal

rule, parties divide on the form of the government as well as on its powers and duties; this is why party successes, real party successes, have been followed by the overturn of existing institutions and the establishment of a new style of government and of a new constitution, as witnessed by the numerous revolutions of the last hundred years, since the parties are not striving to better existing conditions but to introduce an entirely new order of things. On this basis there are or have been four principal parties in France—Legitimist, Orleanist, Imperialist, and Republican. These parties, however, have not maintained themselves intact; this is especially true of the Republican party, which, since 1871, has been split up into more wings and combinations than one can easily remember. Such a state of affairs has acted disastrously on the cabinet system of government, a borrowed institution which probably would have worked badly any how, but which under existing party conditions has been maintained with the greatest difficulty. The situation may be described briefly by stating that in the last twenty-five years France has had six times as many prime ministers as England in the same length of time, and more changes of ministry in that period than England since the close of our Revolutionary War. This lack of party cohesion may be largely due to the absence of national party organizations, since each candidate for the Chamber of Deputies, issues his own platform of professions and principles, and individualism reigns supreme. These and other factors help to maintain groups and factions, and produce weak and short-lived cabinets. It ought to be added, however, that the frequency of ministerial changes is more apparent than real, partly for the reason that nowadays a change of ministry does not mean a change of party, but only at most a shuffling of the groups represented in the cabinet, and partly because it often happens that a majority of the new cabinet hold over from the old. Even with all these allowances, instability and impotence are the distinguishing characteristics of the French system of responsible government.

In Germany there is a still larger number of distinct parties than in France, though a smaller number of groups within parties. That German unity is not yet completely attained is evidenced by the fact that certain party factions are founded on a race basis, such as the Poles, Danes, Alsace-Lorrainers, and Guelphs. In addition, numerous shades and degrees exist among conservatives, liberals and radicals. The most interesting and possibly the most dangerous party is the Social-Democratic, whose fortunes have almost constantly improved in spite of repressive legislation; this party now casts the largest popular vote, though the system of representation places it fourth in number of members in the Reichstag. Its opportunities for good or

ill are not so great in the empire as they would be in the individual states, but in them it chooses few or no legislative members owing to the methods of voting which have been adopted. This confusion of parties is not so serious as it would be if Germany had the cabinet system of government. That system operates poorly enough in France, but there it is always possible to combine, for a time at least, a certain number of groups of the same, that is the Republican, party; whereas in Germany it would be almost out of the question to rely upon bringing together several distinct parties, for although the thing has been done once or twice, it is doubtful if it could always be accomplished.

In the three remaining countries, Austria-Hungary, Italy and Switzerland, we are confronted by a similar lack of well-organized parties. In Austria proper, more generally than in Germany, parties are based on race, which plays an exceptionally large part in the whole system of the Austro-Hungarian monarchy, but is especially marked in the Austrian portion. Of Austria-Hungary as a whole Mr. Lowell aptly remarks: "If France has been a laboratory for political experiments, Austria-Hungary is a museum of political curiosities." The state of parties is only one of many striking features. In Italy and Switzerland party chaos prevails to a greater or less extent. Thus in the five countries under consideration, though for different reasons in each, groups and factions are the rule; in none of them does the division into two parties exist.

Several other topics of special importance demand a brief notice. The work contains a short but most instructive discussion of the position of the church and of its relations to the state in Italy; a suggestive study of the nature of the federal government, a discriminating analysis of the powers of the Bundesrath in the German empire; a lucid exposition of the system of local government in Prussia, and adequate accounts of the governments of Prussia and of the minor German states. As for Switzerland, it seems to be the fashion to advocate the introduction into the United States of this or that feature of the Swiss system, but in particular the Swiss form of the referendum, on the theory, apparently, that what has worked well in the one federal republic will work equally satisfactorily in the other. Mr. Lowell holds no brief for either side, but sets forth impartially the strength and the weakness of Swiss practices, and likewise indicates points of contrast between the United States and Switzerland, differences which might seriously interfere with the successful application of Swiss experience to American conditions. It might be added that a statement of the results of referendums held as late as October, 1896, shows how nearly down to date the book is brought. An appendix

contains the constitutions of France, Italy, Germany, Austria-Hungary, and Switzerland, printed in the original languages, in the case of Switzerland the French text being selected.

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*The Nicaragua Canal, The Gateway between the Oceans.* By WILLIAM L. MERRY. Pp. 46. Published by Authority of the Chamber of Commerce of San Francisco, the Board of Trade of San Francisco, the Chamber of Commerce of Portland, Oregon, the Chamber of Commerce of San Diego. San Francisco, 1895.

*Nicaragua, the War of the Filibusters*, by Judge DANIEL B. LUCAS; With Introductory Chapter by Hon. Lewis Baker; and *The Nicaragua Canal*, by Hon. W. A. MACCORKLE; and *The Monroe Doctrine*, by J. FAIRFAX McLAUGHLIN, LL. D. Pp. 216. Price, \$1.50. Richmond, Va.: B. F. Johnson Publishing Company, 1896.

Mr. Merry has had such an extended personal experience in the commercial affairs of the isthmian republics, and with their trade relations with the United States, that his present monograph on the Nicaragua Canal, published by the boards of trade and chambers of commerce of our Western seaboard cities, should receive careful attention by all those interested in the future industrial development of our country.

The Nicaragua Canal is indeed, as the author says, a "commercial necessity" to the United States, and in presenting the demands of the Pacific slope Mr. Merry does much to pierce the enveloping veil of past and present trade relations which still continues to obscure our commercial future. The construction of an isthmus waterway will, according to the author, be of immense benefit to the West, and, he adds, the canal itself "will rapidly develop the resources and increase the population of all Central America." The predictions thus offered are supported by an array of facts and figures, and the author's personal experience with the countries he describes lends especial weight to his prophecies.

A bird's-eye description of Nicaragua is given in the pamphlet, and this is followed by a brief outline of the history of isthmus transit. Owing to the date of publication, Mr. Merry was obliged to rely on the data of the present canal company in his description of the construction plans of the canal. The report of the Canal Board, which has since been published, shows us, however, that these earlier data are insufficient; and until further technical investigations are undertaken no accurate and detailed description of the canal route can be

given, though the general possibility of construction is now placed beyond reasonable doubt.

The importance of the canal to the United States from a political and strategic point of view has always been undisputed, and Mr. Merry, rightly, I think, links the question of the American control of the transit-way with the Monroe Doctrine policy of the United States.

"It is well known," Mr. Merry says, "that the only active opponents of the Nicaragua Canal are the railroad systems running East and West." To overcome this antagonism it is necessary to demonstrate the national demand for cheaper transportation between our Eastern and Western seaboard, and to show that the transcontinental railroads would not be the losers if this demand were to be met by the canal. As between the East and the Middle West a like demand has already been fulfilled by the developed system of lake transportation, and the beneficent results are now recognized even by the railroads themselves. Furthermore, the Chicago drainage canal is now about to complete the system of inland waterways connecting the Middle West with the Gulf, and here again there are no doubts of the benefits that will thereby accrue to the Mississippi Valley. But the Far West and the Pacific slope must still remain isolated until the isthmus waterway is completed. Still greater advantages will, however, accrue from the construction of this canal, and from the logic of events, Mr. Merry is of the opinion that the Pacific railroads will be no losers in the end. The products of the West are, he says, too bulky and too cheap to be profitably shipped to the East by rail; but when a sea-route is finally established the export trade from the Pacific coast will develop very rapidly and the railroads will then fulfill their proper function of tributary lines to the several coasts.

Thus, though written from the standpoint of the Pacific coast, the considerations set forth in Mr. Merry's monograph are of national interest, and it is to be hoped they will be taken to heart by the other sections of the country. On matters of internal politics our sections are rarely in accord, but we are nevertheless politically one, and no better way could well be devised of cementing our political unity than by developing our internal trade lines and so make ourselves economically one—and this I take to be one of the main functions of an interoceanic canal.

The book edited and in part written by Judge Lucas contains a *pot-pourri* of subjects connected with Nicaragua and the proposed interoceanic canal.

In an introductory chapter the Hon. Lewis Baker, United States Minister to Central America, describes the country, recalls the memory of the now all but-forgotten filibustering expedition to the isthmus

under the reckless William Walker, and tells us of the eager desire of the people for the construction of the Nicaragua Canal by the United States.

Judge Daniel B. Lucas follows with a concise and interesting account of the war of the filibusters, of their surrender to the United States Government, and of Walker's final capture by a British officer and his tragic death at the hands of the Honduras authorities. The writer appears to have drawn his material almost exclusively from Walker's own book, "The War in Nicaragua." Not being in the United States, Walker was, however, unable to note the effects of his vagaries on the government in Washington. The perplexities of the Pierce administration and the attitude of the Democrats under Buchanan during this confusing time when national and sectional interests were so at variance, form part and parcel of the war of the filibusters and should be taken account of before the history of the movement is fairly presented. W. V. Wells' "Walker's Expedition," and J. J. Roche's "The Story of the Filibusters," might be mentioned in this connection as throwing a more general light upon the movement described by Judge Lucas from a particular standpoint.

Governor MacCorkle, in describing the Nicaragua Canal project, was, like Mr. Merry, compelled for lack of better material to rely on the technical data furnished by the canal company, and his statements accordingly require some revision, now that the Canal Board has handed in its report. The commercial aspects of the canal are, however, admirably set forth in this chapter, and it is this time the interests of the Mississippi Valley which receive particular attention. The people of this section are at last coming to realize the immense commercial opportunities which lie before them upon the construction of the Nicaragua Canal, and Governor MacCorkle should be accorded high praise for his lucid presentation of the subject. In Central and South America and along our own Western seaboard there are markets for the coal of the Mississippi Valley, which may readily be supplied upon the opening of the canal; and in the same way the author shows how the cotton growers and manufacturers of this section may compete in the rapidly extending Eastern markets as soon as an adequate trade route to the Pacific be provided. The future is, indeed, evident, and yet is ill-perceived by most of us, as our habit is to keep our gaze fixed on the Atlantic.

Mr. Merry's and Governor MacCorkle's predictions complement each other and should be taken together. The one is speaking for the Pacific Slope and the other for the Mississippi Valley, and these are the two sections of our country which now require free scope to develop. But the Nicaragua Canal is a condition precedent to this

development, and every voice in favor of its immediate construction should therefore be listened to with attention.

In a final chapter on the Monroe Doctrine, Dr. J. Fairfax McLaughlin gives us again the familiar history of its enunciation, and adds a number of American precedents in its favor. In the course of this chapter Mr. Calhoun is allowed by a quoted speech to defend himself against Senator Lodge's arraignment of him "as the only American statesmen of any standing who has tried to limit the scope of the Monroe Doctrine;" and an interesting quotation is given from a memoir of Pozzo de Borgo, the Russian diplomatist, who in 1817 suggested the advisability of subjugating the United States in the interests of the Holy Allies. Dr. McLaughlin has indeed collected valuable material bearing on the history of the Monroe Doctrine, whose further elaboration would no doubt prove interesting. It is a pity the present article is so disjointed and ill-digested.

Taken together these two little volumes constitute a hopeful sign of the renewed interest we are beginning to take in the countries to the south and west of us, and their circulation should therefore be encouraged; for there can be little doubt that our future commercial interests lie in these directions.

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*Finanztheoretische Untersuchungen nebst Darstellung und Kritik des Steuerwesens Schwedens.* By Dr. KNUT WICKSELL. Pp. xii, 352. Price, 8 marks. Jena: Gustav Fischer, 1896.

This book contains three monographs which treat respectively of the incidence of taxation, the theory of justice in taxation and the history of taxation in Sweden.

Dr. Wicksell is a disciple of the Austrian Economists, and he bases his reasoning in this volume on the marginal utility theory of value, and on Böhm-Bawerk's well-known propositions regarding capital. His purpose in the first monograph is to explain the incidence of taxation in the light of these theories. His broad conception of this subject includes not simply a consideration of the way in which a particular tax is shifted and a determination of the person or persons upon whom it ultimately falls, but a discussion of the economic effects of an entire system of taxation or of a particular tax as part of a system.

As a basis for his reasoning he describes a theory of distribution, which he has developed in a previously published work entitled, "*Über Wert, Kapital und Rente nach den neuiren nationalökonomischen Theorien*," and to which the following propositions are fundamental: (a) Both rent and wages are advanced out of capital; (b)



the productivity of industry increases as the period of production lengthens, the rate of increase, however, constantly diminishing; (c) an increase in either rent or wages will lengthen the productive period on account of the tendency of capitalists to employ larger amounts of machinery and other mechanical contrivances when labor and land become more expensive; (d) the relative height of rent, wages and profits at any time will tend to be such that all the labor and capital of the community will be employed together with such a proportion of the available land, cultivated with such a degree of intensity, as will be adequate to such employment. These propositions being granted he shows (frequently by mathematical processes) that taxes levied directly upon wages, profits or rents cannot be shifted since they cannot alter the proportions of land, labor and capital required for the highest degree of productivity. Taxes levied upon commodities instead of incomes, however, will have the same effect as a diminution of the productivity of industry, and consequently will be shifted upon all classes of producers. The relative portions of the burden, which will be borne by laborers, capitalists and landlords, respectively, will depend upon the degree in which the scale of increasing productivity falls with the lengthening of the productive period. If it falls rapidly, capitalists will bear the greater portion of the burden, if slowly, laborers and landlords. Similar processes of reasoning lead Dr. Wicksell to the conclusion that neither a tax upon the net earnings of monopolists, nor upon monopolized commodities can be shifted, but that, in the case of the latter tax, a considerable sum, in addition to that which finds its way into the treasury, must be taken from both consumers and monopolists without any corresponding benefit to any one,

This part of Dr. Wicksell's work possesses all the strength and all the weakness of the four above described premises upon which it is based. Viewed simply as a logical deduction from these premises it is quite satisfactory, but any one who feels inclined to deny the truth or the universality of any of these fundamental propositions will be unable to accept many of his conclusions, and must regard this part of his work as an interesting mental feat, the practical value of which, either to the theorist or the statesman, is at least problematical.

In the second monograph Dr. Wicksell defends the "*quid pro quo*," or the "service and counter-service" as opposed to the "equality of sacrifice" principle of justice in taxation. The application of this principle to the entire field of taxation (with the single exception of taxes applied to the payment of interest on the public debt, or to other obligations incurred for services rendered in the past and made binding by contracts) is, in his opinion, made possible by the extension

of the marginal utility theory to public services substantially according to the method followed by Sax and Mazzola. The approximate realization of this principle of justice in practical affairs can only be accomplished, according to Wicksell, by a legislative reform which would compel every representative who should propose a public appropriation for any purpose to accompany his bill with a set of alternative proposals regarding the way in which the funds he proposes to expend should be raised. Each representative would thus have an opportunity to compare the utility of the proposed object of expenditure to his constituents with the sacrifice which would be entailed by the different methods proposed for raising the revenue. With one method of distributing the burden of the tax the sacrifice to his particular constituents might exceed this utility, while by another method it might fall far below it. In case the burden could not be distributed in such a way that the majority would estimate the utility to their constituents higher than the costs, the service for which the public expenditure is proposed should be left to private initiative. In this way the final decision of the matter would be relegated to the people who would be able to determine by experience whether their net economic advantage require that the service in question be rendered by the public or by private corporations.

The third part of Dr. Wicksell's book contains an interesting sketch of the history of taxation in Sweden during the last two hundred years. It is, and it pretends to be, nothing more than a sketch, but it will be welcomed by students of comparative finance because it furnishes information concerning a bit of financial experience regarding which the average scholar knows very little.

WM. A. SCOTT.

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## CLASSIFIED BIBLIOGRAPHY.

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[In this list are included the titles of only the more important works belonging within the field of Politics, Law, Economics and Sociology.]

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#### I. POLITICS AND LAW.

**Historical Development of Modern Europe from the Congress of Vienna to the Present Time.** Vol. I., 1815-1850. By C. M. ANDREWS. Pp. vii, 457. Price, \$2.50. New York: G. P. Putnam's Sons, 1896.

[This work is rather an attempt at the interpretation of modern history than a descriptive account of historical events. The author is master of a pleasing style and his observations are always suggestive. The work may be recommended as a reference book to be used in connection with lecture courses treating of the same period.]

**The Works of James Wilson, Associate Justice of the Supreme Court of the United States.** Edited by JAS. DE WITT ANDREWS. 2 Vols. Pp. xlvii, 577, and vii, 623. Price, \$7.00. Chicago: Callaghan & Co., 1896.

**L'État comme Organisation coercitive de la Société politique.** By SIGISMOND BALICKI. Bibliothèque Sociologique Internationale. Pp. 183. Price, 6 fr. Paris: Giard & Brière, 1896.

[In this work, the fifth of the International Sociological Series, the author endeavors to trace the relation between the theory of the state and the system of public law. The former he regards as the sum total of political ideas, interpreted subjectively as political psychology; the latter as the objective expression of those ideas in positive institutions.]

**International Law. A Simple Statement of its Principle.** By HERBERT WOLCOTT BOWEN. Pp. vi, 165. Price, \$1.25. New York: G. P. Putnam's Sons, 1896.

[A concise treatise, suitable for a text-book, based largely on the standard works of Wheaton, Woolsey and Wharton.]

**The American Commonwealth. Abridged Edition. For the Use of Colleges and High Schools. Being an Introduction to the Study of the Government and Institutions of the United States.** By JAMES BRYCE. Pp. xiii, 547. Price, \$1.75. New York: Macmillan Co., 1896.

[This book will appeal especially to teachers who have found the author's two volume work too bulky for the class-room. The work of condensation and selection has been performed by Professor Jesse Macy in co-operation with Mr. Bryce.]

Guide to American History. By EDWARD CHANNING and ALBERT BUSHNELL HART. Pp. xvi, 471. Price, \$2.15. Boston: Ginn & Co., 1896.

[This book contains a large number of lists of related works of reference on special topics and descriptions of methods of class-work for the respective topics, together with a few remarks on the literature in the lists and on the importance of the topic.]

Problems of Modern Democracy. Political and Economic Essays. By E. L. GODKIN. Pp. 332. Price, \$2.00. New York: Charles Scribner's Sons, 1896.

[These essays, eleven in number, are reprinted from such periodicals as the *North American Review* and the *Forum*. They deal with all sides of American social life, from the "tariff" and "the economic man" to "the political situation in 1896" in the suggestive, not to say caustic, manner familiar to readers of the *Nation*.]

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[In the six chapters of this monograph the author gives a clear and well balanced account of the factors which contributed to the ratification of the federal constitution in Massachusetts. In appendices the letters of "Cornelius" and of "A Republican Federalist" are reprinted, together with a useful bibliography.]

The Year after the Armada, and Other Historical Studies. By MARTIN A. S. HUME. Pp. xi, 388. Price, \$3.50. New York: Macmillan Co., 1896.

[This is a handsomely illustrated work, containing some of the romances of history neglected in "dry-as-dust" treatises. The book appeals more to the novel reading public than to serious historical students.]

William Henry Seward. By THORNTON KIRKLAND LOTHROP. American Statesmen Series. Pp. vi, 446. Price, \$1.25. Boston: Houghton, Mifflin & Co., 1896.

Pope Leo XIII. By JUSTIN MCCARTHY. Pp. viii, 260. Price, \$1.25. New York: Frederick Warne & Co., 1896.

[The book treats of the important public questions of interest to the Church of Rome since the death of Pope Pius the Ninth, each one being discussed with special reference to the attitude and influence of Pope Leo. It also takes up the various encyclical letters to show what the Pope desires and what he has achieved.]

Documentary Material Relating to the History of Iowa. Edited by BENJAMIN F. SHAMBAUGH. Pp. 215. Iowa City: State Historical Society, 1895 and 1896.

[This consists of seven pamphlets containing in chronological order reprints of the important documents relating to the history of Iowa. It begins with the treaty for the purchase of Louisiana and ends with the constitution of 1846. To some of the documents bibliographies and notes are appended.]

History of Proprietary Government in Pennsylvania. By WILLIAM R. SHEPHERD, Ph. D. (Columbia University Studies in History, Economics and Public Law. Vol. VI.) Pp. 601. Price, \$4.50. New York: Macmillan Co., 1896.

[In the two parts of this monograph, treating respectively of "land" and "government," the author gives an exhaustive account of the colonial history of Pennsylvania. It shows an amount of labor and research which is rare outside of Germany, and promises well for the future of historical study in this country.]

Handbook on the Law of Persons and Domestic Relations. By W. C. TIFFANY. Pp. xii, 589. Price, \$3.75. St. Paul: West Publishing Co., 1896.

[An able legal treatise defining the relations between "husband and wife," "parent and child," "guardian and ward," etc. The common law rules are first given and then modified according to such statutory amendments as have been adopted in the various states.]

## II. ECONOMICS.

### (a) *Theoretical.*

Bimetallism; or, The Evils of Gold Monometallism and the Benefits of Bimetallism. By WHARTON BARKER. Pp. xvi, 330. Price, \$1.00. Philadelphia: Barker Publishing Co., 1896.

[The author is thoroughly convinced that most of our industrial ills have been the direct consequence of our appreciating standard of value. His book is a partisan defence of bimetallism, but contains much valuable material and points out aspects of the money question often lost sight of.]

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[A campaign document, notable chiefly as emanating from a professor of political economy of reputation.]

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*(b) Miscellaneous.*

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[An official statement of the history (pp. 155) and organization (pp. 103) of official statistics in Hungary. An appendix contains important laws and ordinances. Hungarian statistics interest the specialist, through peculiarities of methods and an extreme centralization in administration.]

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[This useful reprint of an American classic is provided with an introduction and explanatory notes designed to make it serviceable to the general reader. It is supplemented by extracts from Franklin's letters and from Poor Richard's Almanac.]

**Frankfurt Textilgewerbe im Mittelalter.** By EMANUEL FROMM. Pp. 45. Frankfurt: August Osterrieth, 1895.

[A doctor's dissertation devoted especially to a comparative study of the craft-guilds as organized in Frankfurt, Strassburg, Basel, Nürnberg, Dortmund and Lübeck from 1300 to 1500. The author shows that changes in organization were the rule rather than the exception and dissipates the notion still common that the middle ages was a period of stagnation.]

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[This final number of the invaluable series begun by Neumann-Spallart eighteen years ago contains an introductory section on the "development of the world's economy," a long and detailed description of the "present condition of the world's economy" and a closing chapter on "the economic development of the future." As a compendium of industrial facts this publication has few rivals.]

**Zur organischen Güterverteilung. II. Die Glasarbeiter Deutschlands und der Vereinigten Staaten von Amerika in ihrer allgemeinen materiellen Lage.** By Dr. CARL KINDERMANN. Pp. x, 304. Price, 6.80 m. Leipzig: Duncker & Humblot, 1896.

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[This is a non-partisan history more even and succinct than that of Professor Taussig but lacking in scholarly breadth. It contains interesting chapters on the tariff views and the influence of Hamilton, Jefferson and Jackson.]

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 [This work is both critical and descriptive. After considering the nature of our present industrial organization, and the proposals of communism, anarchy and socialism, the author describes at length the existing law governing economic relations. He then analyzes these relations and considers what the law ought to be. In conclusion he furnishes a draft of a fundamental law governing economic relations in which are embodied his own practical suggestions.]
- American Highways.** By N. S. SHALER. Pp. xv, 293. Price, \$1.50. New York: Century Co., 1896.  
 [An excellent book at once popular and scientific. It gives a brief history of road improvement, discusses the relations which the government should have to the construction and maintenance of highways, compares the American system of highway administration with the systems of European countries, and treats at length of road materials and of scientific road making. The author is a member of the Massachusetts Highway Commission, and in connection with his work has conducted a series of laboratory tests of road materials.]
- International Bimetallism.** By FRANCIS A. WALKER. Pp. v, 297. Price, \$1.25. New York: Henry Holt & Co., 1896.  
 [The material contained in this book was first presented in a course of lectures delivered at Harvard University. The book is divided into eight chapters, of which five deal with the history of bimetallism in England, France and the United States down to 1873. The others consider "demonetization," "the great debate," and the conclusions arrived at as a result of this historical survey.]

People's Banks: a Record of Social and Economic Success. By HENRY W. WOLFF. Second Edition, revised and enlarged. Pp. xxi, 399. Price, 10s. London: P. S. King & Son, 1896.

[So much has been added to this second edition that it is practically a new work. It contains an account of people's banks all over the world, and concludes that co-operative banking is much needed in the United Kingdom.]

### III. SOCIOLOGY.

#### (a) *Theoretical.*

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[Those who have followed Lyman Abbott's work in recent years are doubtless familiar with most of the chapters in this book. It has put in a very readable form the results of years of study and thought in the sincere effort to apply the teachings of Jesus to the social problems of our time, and to emphasize what Protestant theology usually neglects—Jesus' mission to society as well as to individuals.]

The Social Law of Service. By RICHARD T. ELY, LL. D. Pp. 276. New York: Eaton & Mains, 1896.

Evil and Evolution. An Attempt to Turn the Light of Modern Science on to the Ancient Mystery of Evil. By the author of "The Social Horizon." Pp. 184. Price, \$1.50. New York: Macmillan Co., 1896.

Le Mouvement positiviste et la Conception sociologique du Monde. By A. FOUILLÉE. Pp. 379. Price, 7.50 fr. Paris: Felix Alcan, 1896.

La Population et le Système Social. By FR. S. NITTI. (Bibliothèque Sociologique Internationale.) Pp. 276. Paris: Giard & Brière, 1897.

[A French translation of Nitti's well-known Italian work. It contains a criticism of the theories of Malthus, Darwin, Spencer and Karl Marx as an introduction to the author's own theories.]

Théories modernes sur les Origines de la Famille de la Société et de l'Etat. By ADOLPHO POSADA. (Bibliothèque Sociologique Internationale.) Pp. 150. Price, 4 fr. Paris: Giard & Brière, 1896.

[A French translation of a small book by Professor A. Posada, of the University of Oviedo, in Spain. The book contains a brief résumé of some of the arguments of Sir Henry Maine, Fustel de Coulanges, Shring, Westmarck and others in support of the patriarchal group as the origin of society, and those of Bachofen, MacLennan, Morgan, Starcke and others in support of the matriarchate. It makes no original contribution to the subject.]

#### (b) *Miscellaneous.*

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[This is an admirable discussion, in five brief chapters, of the more important phases of our immigration question. The author favors restriction.]



- Citizenship and Technical Education. An Address Delivered on Founders' Day, October 8, 1896, at Lehigh University. By JOHN H. CONVERSE, A. B. Pp. 16. South Bethlehem, Pa.: Lehigh University, 1896.
- F. Le Play et la Science Sociale. By A. DELAIRE. Third Edition. Pp. 32. Paris: Bureaux de la Reforme Sociale.  
[A brief account of the life of Le Play and his method in studying social problems. Written by the secretary of the leading Le Play organization in France.]
- Ten Years in a Portsmouth Slum. By R. R. DOLLING. Pp. 272. Price, 6s. London: Swan Sonnenschein & Co., 1896.
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- Horace Greeley and Other Pioneers of American Socialism. By CHARLES SOTHERAN. Pp. 343. Price, 35c. New York: Humboldt Publishing Co.
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## NOTES ON MUNICIPAL GOVERNMENT.

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### AMERICAN CITIES.

**New York.\*—*Greater New York.*** The preliminary draft of a charter, prepared by a sub-committee of the Greater New York commission's sub-committee, was made public in November. It is remarkable that the draft has been received with the same apathy as the New York public has manifested at every step of the Greater New York movement. It is probable that the draft will be changed materially before it is reported to the commission for final action. As the commission must make its final report to the legislature by the first of February, it seems improbable that the public will have any adequate opportunity to express an intelligent opinion upon the proposed charter. It is now understood that the committee on draft will not be prepared to report finally to the commission before the first of January. The indications are that the proposed charter will be so bulky and so detailed in its provisions that neither the legislature nor the public will be able to pass upon it intelligently before the adjournment of the legislature in the spring. If the proposed charter should become law, it would immediately be subjected to a process of amendment which would soon reduce it to a condition of incoherency like that in which the special laws relating to the municipality of New York now are.

**Philadelphia.—*Annual Report of Municipal League.*** The Board of Managers of the Municipal League, in their annual report for the year ending September 15, 1896, indicate an increase of membership from 3693 to 5105, or 39 per cent. There are twenty-four ward organizations, as compared with fifteen last year, and other evidences of continued interest and increased activity. Although the successful candidates of the League have been few in number, yet the votes polled have been more numerous than ever before. The League has taken a definite place in the local party-life. In addition to the actual campaign work, it has carried on an educational crusade through lectures, pamphlets and other efforts. The report urges more active service on the part of local trade organizations, especially of the Chamber of Commerce. In a number of the Eastern and Western cities, such organizations have played an important part in the work of municipal reform. Good municipal government contributes both

\* Communication of James W. Pryor, Esq.

directly and indirectly to commercial prosperity, and although the business motive is probably inadequate to develop continuous interest in local affairs, it is an element which ought not to be ignored.

*Report of Committee of Municipal League.*—During the past year a committee of the Municipal League has been considering the operation of the Act of 1885, known as the Bullitt Bill. The act applies to all cities of the first class, of which Philadelphia is the only example. Since the act went into operation in 1887, those who have been watching its workings have felt that some of its provisions require amendment. There has been a desire on the part of many to have the principle of concentration of executive responsibility, upon which the act is based, more consistently carried out. The Municipal League committee embodies its conclusions in a report containing seven bills.

The first concerns the system of granting franchises. At present councils have full and unrestricted power to determine the conditions upon which public franchises should be enjoyed. The bill provides that the grant shall be for a definite period, with thirty years as a maximum; secondly, that a reasonable annual compensation be paid, in the form of a percentage of gross receipts; in the absence of any express stipulation, such payment to be 5 per cent; thirdly, that all structures over, upon, or under, the public highway and all structures of a permanent character, used in the operation of a franchise, shall revert to the city free of cost at the expiration of the grant; and finally, that any extension of the grant shall be subject to the same conditions as the original concession.

The second aims at a radical change in the upper branch of the city legislature. It provides that the Select Council shall be composed of fifteen members, to be elected on a general ticket for a term of three years. The committees of Select Council are to be elected by the members instead of being appointed by the president. In Common Council, the basis of representation is increased to one representative per 6000 taxable inhabitants.

Another bill is intended to prevent the simultaneous holding of state and local offices, and provides that "no member of the legislature of the state, of the United States, nor any one holding any office or employment from, or under, the city, county, state, or the United States, except that of notary public, shall, at the same time, be a member of Select or Common Council." In the same bill is contained the provision that "no person having any interest in any contract for work to be done for, or materials to be supplied the city or any department thereof, whether as principal or as surety, agent, or employe of such principal, shall be, at the same time, a member of Select or Common Council." This provision is simply declaratory of

the present law as interpreted by the Supreme Court. The wording has been changed in order to guard against any future deviation from the present interpretation.

A fourth seeks to reorganize the civil service system of the city. Three distinct objects have here been kept in view: first, to give the mayor a more complete supervision over the administration of the civil service law; secondly, to increase the safeguards against arbitrary dismissal of officers; and, thirdly, to prescribe with greater minuteness the procedure of the Civil Service Board. At the present time the mayor must approve the decision of the court of trial or inquiry in cases involving policemen or firemen. The bill gives to the mayor the further power to overrule the decision of the court, to dismiss the accused, or to take such other action as he may think proper. The bill lays further restrictions on the Civil Service Board, in providing that appointments, or promotions, shall be made from among a definite number, not exceeding three, of those graded highest as the result of the competitive examination. Further, that all appointments, promotions, transfers, resignations, removals, and vacancies shall be fully certified to the Civil Service Board, in writing, within five days thereafter, by the officer making the same, with the reasons therefor.

A fifth bill contemplates the rearrangement of departmental functions by placing the lighting of streets, alleys, and highways under the Department of Public Safety. This bill, furthermore, contains several provisions relating to contracts. In addition to the present safeguards, a clause is inserted prescribing that all estimates for work to be done, should be in writing, signed by the proper officer, and shall be filed and registered in the mayor's office, by date, number and contents, a copy to be furnished the comptroller before the contract shall be signed and become valid. This bill also provides that no contract shall be made with any firm, co-partnership, corporation, or association, by, or in which a councilman is employed in any capacity whatever. This is meant to supplement the present law, which simply prohibits contracts with firms or corporations, in which a councilman, officer, or employe of the city, is a member. Another clause seeks to prohibit the constant interference of councils with purely administrative functions, and provides that, "Councils shall not interfere with the control or discretion of the departments as to the location of lights, sewers, gas or water pipes, street improvements or repairs, telegraph or other wires; nor, shall councils pass any special ordinances as to the location of such works, unless an ordinance is necessary for such purposes under existing laws, and not then unless there has been a previous written report thereon, by the proper department."

Finally, a bill is proposed by the committee concerning political contributions by the officers or employes of the city. All such assessments or solicitations for contributions for political or partisan purposes, are strictly forbidden. Violations of these provisions are declared a misdemeanor, liable to a fine of not less than \$50, nor more than \$1000, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment in the discretion of the court.

*Filtration.*—As a result of years of continuous agitation by medical societies, civic associations and reform unions, councils have decided to borrow \$3,000,000 for the establishment of a filtration plant. The pollution of the Schuylkill River and the consequent dangers to the public health, have been discussed in innumerable addresses, pamphlets and reports. Mr. Hazen, a civil engineer of Boston, recently prepared for the Women's Health Protective Association, of Philadelphia, a report, which examines the sources of supply and the causes of contamination, and which reaches the conclusion that \$3,391,000 would be sufficient to establish a filtration plant adequate for the needs of the city, provided that the average per capita consumption be somewhat reduced. At present, at 183 gallons per capita daily, it far exceeds reasonable needs. A system of water meters would reduce the waste without necessarily decreasing the legitimate use of water. Without such a system, the cost of filtration will be considerably more than the above estimate. Mr. Hazen recommends a system of sand filtration, such as is in use in Hamburg, Altona, Liverpool, Amsterdam and London. Councils have not, as yet, decided upon any particular system.

**Boston.\***—After wasting many millions of dollars in giving away public franchises to private corporations, Boston has at last made a beginning in the right direction. The Pneumatic Transit Company was recently given by the Board of Aldermen a franchise for laying its tubes in the streets, but Mayor Quincy vetoed the action on the ground that the privilege should be paid for. A difficulty in the way was the absence of legislation empowering the city to make a charge for such franchises. But finally a contract was devised which the corporation counsel pronounced valid. It provides for payment to the city for the first year of one-half of one per cent of the gross receipts of the company, the amount increasing each year by one-quarter of one per cent, until the ninth year, when the maximum rate of two and one-half per cent should be reached. This is an insignificant return for the privilege acquired, especially as the franchise appears to be in perpetuity and there is no provision permitting the city to take over

\* Communication of Sylvester Baxter, Esq.

the business. It establishes the principle, however, and the municipality may make better bargains hereafter.

Plans have been adopted for the new public bath-house to be erected on Dover street, at a cost of \$65,000. The baths are fifty in number,—mostly shower-baths,—thirty-three for males and seventeen for women. There are eight tub baths. It is to be purely a "cleanliness bath," with no provisions for swimming. Swimming, however, is a most important accomplishment in the scheme of physical training and would be a particularly valuable feature in attracting boys and young men. In accordance with the principle followed by Boston in all public conveniences of the kind, the committee in charge proposes to make the baths entirely free. In all European cities it is the custom to charge a small fee. It would seem advisable at least to make a sufficient charge for towels and soap to cover the cost.

The new public bath, which the adjacent town of Brookline has under consideration, is a much larger affair, and makes extensive provisions for swimming. It is in design appropriate to its civic character, and stands detached from other buildings.\*

The swimming-bath occupies a large room with a barrel-arched ceiling. The tank is 120 feet long by 35 wide. There are forty-two dressing-rooms beneath a gallery surrounding the hall. In another room, designed for a swimming-school, is a plunge-bath thirty-two by fifteen feet. There are also fifteen shower-baths and three tub baths.

The school board of Boston has also established shower-baths in one of the grammar school buildings, and its success will doubtless lead to the general adoption of the principle.

**Buffalo.**†—On the sixteenth of November, 1896, the power from Niagara Falls was turned on in Buffalo for the first time, and was used successfully on the following day in running the cars of the Buffalo Street Railway Company which thus becomes the first Buffalo customer of the Power Company. The latter, therefore, has actually delivered power in Buffalo seven months before the date specified for such delivery in the grant of its franchise—June 1, 1897.

In spite of strenuous opposition from the politicians of his own party, the mayor has reappointed for a second term the present Health Commissioner, Dr. Ernest Wende, who had proved his eminent fitness for the position. The city's death-rate during the term of office of the

\* The plans, together with illustrations of the exterior and interior, appeared in the *American Architect*, for October 31.

† Communication of A. L. Richardson.

present health commissioner has been considerably reduced. The best and most prominent citizens united, without regard to party, in urging the mayor to regard nothing but the welfare of the city in this important matter, and his action in complying with their request is both courageous and creditable. He has also appointed a new fire commissioner and a new commissioner of public works. Neither of the gentlemen appointed has ever held public office, but both are said to be very reputable and successful business men. On the whole, the idea that "municipal government is business, not politics," seems to be making some progress in Buffalo.

Under the new State Constitution, the elections of 1897 will be for municipal officers only. This fact presents an opportunity for good government clubs and similar organizations all over the state, and those of Buffalo propose to avail themselves of it. Twice in succession, in the past, it has happened that candidates endorsed by the Confederated Good Government Clubs, though of opposite parties, have been elected; and there is every reason to believe that next year, when there are no national or state questions to divert attention, their influence, if properly exerted, will be greater than ever.

**New Orleans.**—The new charter of the city, which was approved on the seventh of July, 1896, and which went into effect immediately, although the first election under the new charter, will not be held until April, 1900, contains a number of interesting provisions, some of which make important changes in the form of government. In the first place, the council is to have but one chamber, composed of seventeen members, to be elected by the voters of the respective wards or districts which they are to represent. Those who advocated a system of election by general ticket were unable to carry their point. The law requires that the candidate must be an actual resident of the ward or district at least one year preceding his election. The members of the council are to receive twenty dollars each for attendance at each regular monthly meeting; on condition, however, that they shall have attended all called or special meetings during such month. The president of the council, who is to be elected by the members thereof, is to receive an annual salary of \$2000.

The executive power is vested in a mayor, comptroller, treasurer, commissioner of public works, commissioner of police and public buildings and city engineer. Of these the mayor, treasurer and comptroller are to be elected for a term of four years. The commissioner of public works, the commissioner of police and public buildings and the city engineer are to be selected by the mayor. The appointment is to be made subject to the consent of the council. The

incumbent may be removed at pleasure by the mayor on serving such official with his reasons in writing, and transmitting a copy thereof to the council, to be placed on its minutes. Under similar conditions, the mayor may appoint and remove the city attorney, the city notary and the board of civil service commissioners.

The civil service provisions furnish the basis for the development of a thoroughly organized civil service system. One of the provisions, which embodies the result of much experience in other cities, prescribes that the head of the department or office in which a classified position is to be filled, must notify the board of that fact, which commission shall certify to the appointing officer the name and address of the candidate standing highest upon the register for the class or grade to which said position belongs, except that in cases of laborers, where a choice by competition is impracticable, said commission may provide, by its rules, that the selections shall be made by lot from among those candidates proved fit by examination.

Another section provides that ordinances granting franchises, after having passed the council, shall be published in full in an official journal for two weeks, and thereafter shall be transmitted to the mayor, whose duty it shall be to cause the comptroller, treasurer, commissioner of public works, commissioner of police and public buildings and city engineer, to publicly assemble in the council chamber, to consider and pass upon such ordinances. Any four of these may approve, amend, or reject the ordinance; all amendments, however, must be concurred in by the council. If passed, the ordinance is then referred to the mayor for his consideration, and if vetoed by him shall not become a law unless supported by two-thirds of the council and four members of the board above described. Special provisions require that no franchises shall be granted, renewed, extended or disposed of for the lighting of streets and public places, or disposal of sewerage or garbage, or for large and valuable franchises similarly affecting the public health or comfort, or for the operation of any street or belt railroad, except after three months' publication in the official journal of the terms and specifications of said franchise, and after the same has been adjudicated by the comptroller to the highest bidder. All street or belt railroad franchises are to be sold to the person, corporation or corporations offering the highest percentage of gross annual receipts to be derived from such franchise during the term thereof, the percentage to be estimated on the gross annual income derived from such franchise after deducting only all taxes paid by such person or corporation to the city and state by reason of the ownership or operation of said franchise.



## FOREIGN CITIES.

**London.\*—Improved Housing Conditions.** The Boundary Street scheme is an illustration of the mode of dealing with an unhealthy and over-crowded area of considerable extent. This scheme deals with an area of some fifteen acres in the parish of Bethnal Green, and involves the demolition of 728 houses, and the closing and re-arrangement of twenty streets. The whole of the fifteen acres will be entirely cleared of buildings, with the exception of two churches, three elementary schools, and one large factory. It has been re-planned on the radiating system of streets. A circular garden 270 feet in diameter will occupy the centre of the area, and from this, seven avenues varying from fifty to sixty feet in width radiate, the buildings being arranged upon the intervening sites. Great care is being taken in the development of this area to render it a good example. This is the largest scheme that has been undertaken in London under the Act of Parliament known as the "Housing of the Working Classes Act, 1890." Its object is, moreover, almost entirely confined to the provision of better dwellings, and it has not been to any material extent affected by the need for better and more direct thoroughfares, a matter which has hitherto largely influenced smaller schemes of a similar nature.

Although this district is situated within one mile of the centre of the city of London, its inhabitants were of the poorest class, a whole family frequently living in a single room. The streets were narrow, the spaces at the backs of the houses were small, and the houses had in many cases been made still worse by the erection of buildings used for trade and manufacture. The houses were old and dilapidated, the rooms were dark, dirty, and unwholesome, and the inhabitants were subject to the diseases resulting from these conditions. Many of the inhabitants were of a very low type, but some were of the honest working class, such as costermongers, machinists, market-porters, toy-makers, warehousemen, and others engaged in kindred occupations.

For the four years ending 1889, the average mortality on this area exceeded 40 per 1000, whereas the average mortality of the parish of Bethnal Green, in which the area is situated, was no more than 22.8 per 1000. That of "Registration London" for the same period was 18.8 per 1000.

By the Housing of the Working Classes Act of 1890 it is provided that the total number of persons displaced from an unhealthy area shall be accommodated in sanitary dwellings upon the area or within

\* Communication of C. J. Stewart, Esq., Clerk of London County Council.

its immediate vicinity. The Secretary of State for Home Affairs, is, however, empowered to sanction a scheme which provides dwellings for one-half the number of persons who will be displaced, and this is sometimes the largest number that can be provided for. Upon the Boundary Street area new dwellings will be provided for 4700 persons, the number displaced being 5719.

The new buildings are classed under two heads: self-contained dwellings and associated dwellings. The tenements are arranged in blocks mostly five stories in height, each block facing one of the new streets and having in rear an ample yard space or playground. In the self-contained dwellings, each tenement has its own entrance door leading directly from a wide passage, or from the landing of the staircase, and is complete in itself, having living and sleeping accommodation, scullery, water-closet, and all necessary conveniences for its exclusive use. The associated dwellings are arranged in groups of tenements, entered from a common passage or corridor, one staircase thus serving a greater number of tenements than in the case of the "self-contained." They have common sculleries to serve several families on each floor, usually arranged, along with the water-closets, on the opposite side of the passage from the tenements.

The tenements consist of one room, two rooms, three rooms, four rooms and five rooms, respectively. Of these, the one-room dwellings are very few and, except where they can be provided very conveniently, are not provided at all. The chief demand is for tenements of two and three rooms, which families of four and six persons can inhabit. It is required by the London Building Act 1894 that all habitable rooms shall be eight feet six inches in height, and the council, by regulations of its own, has decided that the family living room shall have a floor measurement of at least 144 superficial feet, clear of all fire-places and other solid obstructions, and that the bedrooms shall measure at least ninety-six superficial feet. It is, however, considered advisable for every tenement to have at least one bedroom of not less than 120 feet superficial area. In the single-room tenements, the area of the room is 180 square feet. The stairs and landings are at least three feet six inches wide. The sculleries in the self-contained dwellings are attached to the living rooms, and every water-closet is aerially disconnected from the rooms. Small larders are provided in many of the tenements.

Every tenement is fitted with a cooking range, two feet six inches wide. Particular attention has been paid to this, so as to obtain the most suitable range for the class of tenant provided for, and it has been found that a self-setting range, with the oven at the side of the fire, is best; the fire is not deep, and is easily convertible into open or

close, a large open fire being necessary during inclement weather, and much appreciated by the tenants, the close fire being necessary for cooking purposes. A ventilated food cupboard is fixed in every tenement which has not a larder, and there are also provided: a coal cupboard or box, dresser, shelves, cupboard for plates, etc., and about half a dozen coat hooks, which are fixed to a rail on the wall. Every tenement is fitted with gas, which is delivered through a prepayment, penny-in-the-slot, automatic meter. A pendant is provided in each living room, and a bracket in each bedroom. Connections are also provided for cooking rings or stoves in suitable positions in living rooms or sculleries. The water-closets are separated from the rooms, and great care is taken to make the drainage practically perfect. The closets are of a type called wash-down, and are solidly set in concrete. They are flushed with two gallons of water. All the soil pipes are taken outside the buildings, and are thoroughly ventilated. The underground pipes are laid in straight runs from point to point, and each room is governed by a manhole. The waste pipes from scullery sinks and baths are similarly treated. The soil, waste, and rain-water pipes all discharge into one combined underground system. Baths with hot and cold water are provided in the associated dwellings on each landing, one bath serving several tenements. Suitable receptacles for dust and dry refuse are provided to each tenement, and arrangements are made for the removal of the dust at frequent intervals, twice a week being the usual rule.

The Council, holding as it does a strong opinion that the washing and drying of clothes should not be done in the tenements themselves, has erected a steam laundry in a central position for the use of the tenants of the whole of the dwellings on the area. In addition to the apparatus for washing and drying clothes, which is of the most approved type, baths, and reading and recreation rooms are provided in the laundry buildings.

With regard to the cost of the dwellings it is the intention of the Council to provide these dwellings if possible at such rates as the persons who have been displaced from the unwholesome dwellings could afford to pay. It is the rule of the Council that in connection with any specified housing scheme or area the rents charged for the dwellings shall not exceed those ruling in the neighborhood. The rents receivable must be sufficient to pay all outgoings of every kind, together with interest at three per cent (three per cent being the rate at which the Council can borrow the necessary money) on the total outlay on dwellings and land, and to provide a sinking fund to redeem the total outlay by a cumulative annuity at a certain rate of interest within a given period; so that at the end of that period the total

outlay incurred shall be repaid. The average cost of the Council's tenement dwellings is about £62 per room, reckoning sculleries as rooms.

In consequence of the changed conditions following the reconstruction of such a large area, it is found difficult to let the dwellings to the class of persons who have been displaced. In many cases the people have been so long accustomed to live in dirty rooms that they cannot be induced to keep these rooms clean, nor do they desire to live in rooms of this class. In fact, they very rarely apply for these dwellings, and as many months must elapse between the time when they are turned out of the unwholesome dwellings and the time when the new dwellings are ready, they have generally succeeded in establishing themselves in other houses of a description somewhat similar to those they have lived in. The new dwellings are, however, always let to persons of the working class, and it is hoped that, in course of time, they will cause a marked improvement in the kind of accommodation provided for that class.

**Aberdeen.**—Municipal lodging-houses have become so common in the English and Scotch cities that the erection of a new and large establishment in Aberdeen attracts but little attention. In Glasgow the municipal lodging-houses are gradually supplanting all private institutions. The possibility of combining cleanliness, sanitary surroundings and comfort with low charges has been fully demonstrated. In the new building, which the town of Aberdeen is constructing, there is to be accommodations for about 250 lodgers. As in all the other municipal lodging-houses, a library, recreation room, facilities for cooking, washing and bath will be provided free of charge. The possibility of counteracting the temptations of the saloon by means of such establishments has been shown in London and Glasgow. Hot water and all cooking utensils are provided; a large cooking-stove is kept in operation day and night. For a few cents a meal, wholesome and nutritious, may be prepared. With all such conveniences provided free of charge, the municipal lodging-houses have nevertheless proven successful and remunerative, from 3 to 5 per cent being the average return on the investment.

## SOCIOLOGICAL NOTES.

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**Paris Municipal Pawn Shops.\***—With increased facilities during the past year, the Mont-de-Piété plays a more important part than ever in the lives of the poorer people of Paris. The directors of the society desired to extend their storage facilities so as to be able to take in furniture and articles requiring large space, but the funds this year did not permit of it. Some of the bureaux were opened on Sunday with good results. The report of the year's business shows that the various bureaux of the institution contain 1,735,380 articles, representing a value of about forty-six and a half million francs at the beginning of the year. New pledges were issued during the year to the number of 1,142,801, representing a value of over twenty-seven million francs, and the stock at the end of the year showed that the total number of articles had decreased by about 100,000, which still represented a value of about forty-five and a half million francs. The average loan was about five dollars. Loans of under four dollars, no matter how long the goods are in pawn, result, the establishment claims, in a loss to the concern.

The number of unredeemed pledges sold was 114,733, which brought 762,499 francs, a little over half of which sum went to the pledge-brokers. The pledge-brokers advance loans upon tickets. The growth of this business is affecting legitimate pawnbroking. There are no fewer than 700 pledge-brokers in Paris who lend money upon tickets, charging 10 per cent per month, or buying the tickets and obtaining the profit on the articles when they are sold. This system flourishes particularly in connection with personal effects, as it is the custom of the official valuers at the Mont-de-Piété to under-value such articles. The valuers are a distinct service in connection with the institution, and as they have to make up deficiencies if they over-value, they are careful not to do so. During the year 200,300 articles which were sold had been under-valued, and most of them brought twice as much as the amount of the loan advanced, and some of them brought five times as much. If the borrowers have kept the ticket themselves, they receive the difference which the articles bring at the sale after a small charge has been deducted; but if they have parted with the ticket to a pledge-broker, he receives the profit.

\* A résumé of the report of M. Edmond Duval, Director of the Paris Mont-de-Piété, published in *London*, September 24, 1896.

While loans on personal effects show a diminution compared with the previous year, which has reduced the profit of the establishment from 298,237 francs to 55,343, the branch of the business which deals in securities is in a hopeful condition. Several years ago the Mont-de-Piété introduced the system of advancing money on bonds, shares, and other securities, and at the end of last year it had 24,517 securities in its hands, upon which it had advanced 5,846,665 francs. The value of these securities at the end of the year was 8,794,320 francs, which shows that the institution leaves a considerable margin for a falling market. During the year over 49,767 loans and renewals were granted, representing over 13,000,000 francs. Although the full value of the securities is not advanced, there is no loss in consequence to the owner. The securities sold by auction brought nearly two and a half million francs, of which 800,000 was *plus* value over and above the amount of loans. The owners of the stocks receive this surplus value just as if their shares had been sold through a stock broker. In fact, the great majority of the sales were undertaken at the request of the borrowers, before the expiration of the period for which the loan had been granted. Only 474 articles were sold as unredeemed pledges, representing a sum of 192,699 francs. These were not sold until after the owners had received repeated notices giving them the fullest opportunity either to redeem or to renew them. The securities upon which the loans were advanced consisted of French rentes, Tunisian bonds, municipal stock, railway companies and bank shares. Municipal stock and shares of the Crédit Foncier were in the majority. The borrowers numbered 28,343, and were drawn from the following classes: Employes (in which is not included manual workers), 8403; merchants, manufacturers, 7904; workmen, 7071; rentiers, or persons living on their means, 3058; mechanical class, 2075; farmers, 42; from which it will be seen that the Mont-de-Piété is patronized by all classes of the community.

**College Settlements.**—The Seventh Annual Report of the College Settlements' Association, for the year ending October 1, 1896, has been distributed. This is a general association, with headquarters in New York, and a large membership extending over all parts of the country. Its purpose is to extend a general supervision over the particular settlements in its care, to assist in their support and, in general, to present the cause to the graduates of women's colleges in all parts of the country. The financial statement of the association for the past year indicates that it has raised over \$6500 from membership fees and donations. Of this fund \$562 was used for printing and for general expenses; the balance was expended in support of the Rivington Street

Settlement in New York, the Denison House in Boston, and the Philadelphia Settlement. About two-thirds of the expenses of the New York Settlement are paid from these general funds, the annual appropriation being \$3280. The annual appropriation to the Boston Settlement is \$800, but this year \$1050 was given. The annual appropriation to the Philadelphia Settlement is \$650, but an additional \$250 was given in this case also. The report of the Electoral Board of the Central Association, as well as the reports from the head-workers of the three settlements already referred to, are contained in this pamphlet, which may be obtained on application to Miss Caroline L. Williamson, Secretary, 3230 Michigan Avenue, Chicago.

Accompanying the annual report this year there was sent to members of the association also a copy of a report on certain questions drawn up by present residents in the College Settlements and submitted to past residents. This special report is suggestive of the work that is actually being done and of the objects which Settlement workers have in view. This report was also printed by the Church Social Union in the September number of its publications. Forty-two answers were received from the eighty-three sets of questions sent out. Among questions asked were the following:

1. What order of settlement work do you consider most valuable: personal, social, unorganized work, club work, educational work, or civic work? The answers indicated that higher value was attached to unorganized efforts, and to personal work suited to particular localities.

2. Is the amount of work done commensurate with the energy expended? The majority answered "Yes."

3. Is life in a settlement a deprivation? In a majority of cases the answer was "No."

4. Has the experience gained in the settlement been put to any use at home? The majority answer "Yes," and cite illustrations of how the settlement spirit and methods have been applied in various places where no settlements exist.

5. How far have you found it possible to make permanent friends among settlement neighbors?

6. Do you feel encouraged with regard to the possibility of doing away with class distinctions? Great diversity of answers.

7. Do you think that any of the young people coming to a settlement are stirred to undesirable discontent by their contact with the house? This question refers to the inhabitants of a settlement neighborhood, and the answers are unanimously "No."

8. Does poverty seem to you a greater or less evil since you have lived among poor people? To what type of poverty do you refer?

9. Do you think it possible for working people to attain hygienic living under present tenement-house conditions?

10. Do you consider that the more general practice of thrift would materially affect the welfare of the working classes?

11. What does your observation lead you to consider as the usual cause of distress among the poor?

12. What reforms or changes have you come to feel are (a) most urgent? (b) Most practicable? (c) Where would you begin?

These last four questions called forth a mass of widely differing answers of little practical utility. The whole report deals with questions of opinion merely, and is useful only in so far as it will indicate to the students of the movement the mental attitude of the actual workers.

**Kingsley House Association, Pittsburgh.**—This is one of the Social Settlements not in the College Settlements' Association, and it is of particular interest in that its work reflects the conditions in a smaller city. Mr. Robert D. McGonnigle, President of the Association, has just issued the third annual report, which may be obtained on application to him at 1709 Penn Avenue, Pittsburgh. Considerable stress is laid upon the work of the various boys' and girls' clubs, and on classes, city government, social science, industrial training, etc.

**Insurance Against Non-Employment in Switzerland.**—Having dealt with insurance for the unemployed in Cologne in the November ANNALS, we may add a résumé of the more important experiments in Switzerland prepared from material in Dr. Georg Schanz's recent book,\* and Circular No. 2, Series B, of the "Musée Social," dated August 31, 1896. Insurance for the unemployed has attracted more attention in Switzerland than elsewhere. In Canton Berne an official labor bureau and registry to which those out of work resorted existed as early as 1889. The winter of 1892-93 was a severe one for the workers in all trades, and the labor unions were hard pressed to meet the demands made upon their funds by those who were involuntarily out of work. The mayor of the city had appointed a commission, which recommended to the city council to subsidize certain labor organizations to the extent of 5000 francs in order to enable them to carry out a scheme of voluntary insurance. The city department of charities made a similar recommendation, and the council on January 13, 1893, finally passed a measure placing the control of insurance funds in the hands of a commission of nine members, two of them elected by the union of labor organizations. No compulsion was to be exercised, and any citizen of Switzerland, resident in Berne, was eligible

\* "*Zur Frage der Arbeitslosen-Versicherung.*" By Dr. Georg Schanz. Pp. 384. Bamberg, 1895.



to membership. Dues were fixed at forty centimes per month. A member must have paid dues for at least six months in order to be eligible to benefit fees. The aid given amounted to one franc per day for single men and one franc, fifty centimes for workmen with families. Assistance could be obtained only in the months of December, January and February, and never for a longer period than two months. No allowance was made for the first week out of work, and nothing was paid in case the member was out of work on account of a strike or because he was responsible or refused work offered to him. Work for those unemployed was found as soon as possible through the medium of the city labor registry. The record for two years under this system has been as follows: From April 1, 1893, to March 31, 1894, 404 members were admitted, fifty of whom failed to pay regularly their monthly dues. Of the 354 remaining, 216 presented themselves for out of work benefits (118 in the month of December, ninety-two in January, and six in February). For fifty-one of these work was found, the remainder were helped with an average outlay per person of a little over forty-one francs, the least amount given being fifty centimes and the highest 105 francs. The treasurer's account for the year 1893-94 shows receipts to the amount of 1125 francs from members' fees, 949 francs contributions from employers, 1005 francs from donations, 4735 francs from the Canton of Berne, making a total of 7815 francs. Of this sum 6835 francs were expended in the daily allowance made to those out of work, 953 francs for administrative expenses, and the balance for heating and caring for room (rent was free). The showing for the next year, 1894-95, is as follows: Number of members admitted 390, or fourteen less than the year preceding; 226 applied for out of work benefits, only seven of whom found work during the first week. Benefits averaged forty-five francs, the highest amount being 108. The total resources amounted to 1366 francs from members' fees, 1703 francs from employers, 2970 from donations, 5000 from the Canton of Berne, and 616 from other sources. Administrative expenses were diminished by over 300 francs. The Berne experiment was tried for two years, in accordance with the statute of January 13, 1893. It was not a great success; as it applied to too few workmen. A new ordinance was passed to go into effect April 1, 1895, which authorized the payment of the fixed sum of 5000 francs, which might be raised to 7000 francs under certain circumstances, on the part of the city. The members' monthly fees were raised to fifty centimes, and the benefits paid were increased to one and one-half francs per day to workmen without families, and two francs to those with families. The figures are not yet published from which we can judge the results of this change.

The Canton of St. Gall tried a more far-reaching experiment. A law of May 19, 1894, authorized the communes in the canton to establish municipal funds for assisting the unemployed and to make insurance obligatory for a determinate or indeterminate period of time to be decided by a majority of the municipal electors. Several communes were authorized to unite for this purpose if they saw fit. Every workman whose daily wages do not exceed five francs must join an insurance fund. Other workmen may be declared eligible or may be compelled to join, according as the several communes shall decide. This provision applies to women also. Persons who fall in the obligatory class, may remain in private associations, if they choose, provided they offer equal facilities and benefits. Members pay thirty centimes per week; employers are not obliged to contribute to the funds, but the communes had to contribute a sum annually not exceeding two francs for every person insured. A member was entitled to benefit fees if he had paid dues for at least six months, and had been out of work at least five days, provided he did not refuse work offered to him. Benefit fees amounted to one franc per day as a minimum and could not be given for longer than sixty days in any one year. A fund of this kind was established in the city of St. Gall by decision of the electors, June 23, 1895. The fees were fixed at fifteen centimes per week for those who earned three francs or less per day; and twenty centimes for those who earned from three to four francs per day, and thirty centimes for those who earned from four to five francs. Persons received no benefits who were out of work because of their own fault, or those who left work to take part in a strike, or those who refused work assigned to them by the registry bureau of the city; those out of work because of sickness or accident are also entitled to no benefits from this fund, because they should receive benefits from special funds for these purposes. The benefits were fixed at one franc, eighty centimes per day for those whose wages were from two to three francs; two francs, ten centimes for those whose wages were from three to four francs, and two francs, forty centimes for those who receive from four to five francs wages. Periods of indemnity were limited to sixty days per year, the funds were administered by a commission of nine members, two elected by the municipal authorities and seven by the workmen insured. Three thousand members were enrolled, of whom twenty per cent belonged in the first class of wage-earners, sixty per cent in the second class, and twenty per cent in the third class, earning from four to five francs per day. The report of the results of the first year's experiment to June 30, 1896, is not yet at hand.

The city of Basle has under consideration an obligatory insurance law somewhat similar to that of the Canton of St. Gall, but worked out in far greater detail. It proposes to extend the obligatory principle to all Swiss born or foreign workmen employed in industries now subject to the Federal Factory Law and to those who work as masons or bricklayers. Obligatory insurance is to commence at the age of fourteen years, but does not apply to those who have an annual salary of over two thousand francs, nor to apprentices under eighteen years of age, who receive less than two hundred francs annually. It is proposed to divide workmen into two groups, first, those who work in factories, and second, masons and bricklayers. Each of these groups is to be sub-divided into three classes; first, consisting of those who earn fifteen francs or less per week; second, those who earn from fifteen to twenty-four francs per week; third, those who earn more than twenty-four francs per week. The dues of members vary from twenty centimes per week for the first sub-division of the first group to sixty centimes per week for the third sub-division of the second group, the maximum fees amounting to two and a half per cent of the wages. The employers contribute ten centimes per week for each person insured in the first group, and twenty centimes per week for the second group. The city is responsible for the expenses of administration, and in addition, contributes the sum of 25,000 francs per year. It is interesting to note the five conditions under which members lose all rights to indemnity in cases of non-employment; first, when they are out of work because of a dispute with their employer on the subject of wages; second, when they voluntarily leave their place; third, when they have been discharged by their employer for any violation of federal laws regulating employment; fourth, when non-employment is caused by sickness or accident; fifth, when work offered is refused. Benefit fees vary from eighty centimes to two francs per day, graded with minute exactness according to the several classes.

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ANNALS  
OF THE  
AMERICAN ACADEMY  
OF  
POLITICAL AND SOCIAL SCIENCE.

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IN MEMORIAM.

FRANCIS AMASA WALKER.

Francis A. Walker died suddenly at his home in Boston, January 5, 1897. He had won distinction in many fields. As a soldier, as a public servant, as a teacher or as an author, he was known to thousands to whom the news of his death was at the same time a shock and a grief. To his friends it brought a keen sense of personal bereavement. His sudden death in the midst of his activity, makes them feel more acutely the loss they have suffered, though as yet unable to realize fully its extent. A critical consideration of Dr. Walker's place as an economist, of his services to statistical and economic thought may be reserved for a later day. Upon the morrow of his death, we would simply pay a grateful tribute to the genius which achieved such general recognition in so many fields of intellectual activity, and to the man whose dignified, yet frank and cordial personality, endeared him to his associates.

Francis A. Walker had just reached his majority when the war broke out. He immediately left his law books to take part in the great struggle. In the field he showed at once the qualities of an admirable soldier. Promotion followed rapidly and when the war closed it found him with the brevet rank of a brigadier-general.

He was a noble specimen of the citizen soldiers who shed so much lustre upon that eventful struggle. He performed his duty manfully, he earned an enviable place in the esteem and affection of his fellow officers, he returned from the field, and devoted himself with equal ardor and with equal distinction to the arts of peace. Apart from a certain decision of manner, a habit of dropping a subject completely when a decision had been reached, those who knew him in after life might have looked almost in vain for any traces of his former military career. Indeed, had it not been for the title which persistently clung to him, as it seemed, against his wish, many would never have surmised that the man of science or the man of affairs had won renown upon the field of battle. In an intercourse, extending over several years, the writer has frequently noted with some surprise, how little that splendid service in the army entered into his daily life and conversation. At rare intervals there was a brief reminiscence of those events—a few words of cordial and kindly appreciation of his fellow officers, and especially of his revered chief, General Hancock, upon whose staff Walker served as adjutant-general. But this was all. It was only with extreme reluctance that he could be drawn to speak of his own experiences. We of a generation to whom the war is history, and not even a memory, must perforce know of these things only by hearsay. But the testimony of those who knew General Walker in the field is singularly in accord with our personal reminiscences. They too speak of his habitual modesty, but they add glowing testimonies of his military genius. Bravery united with a keen intelligence to make him an excellent soldier. His fellow officers



relate many instances of his bravery and courage. Of his intelligence and understanding of military affairs, his unsurpassed military history, "The History of the Second Army Corps" brings evidence which all can comprehend.

At the close of the war he taught school for a time, and was a writer on the *Springfield Republican* but was soon called into the government service. Here he occupied the posts of Chief of the Bureau of Statistics of the Treasury Department, Superintendent of the Ninth (1870) Census, and for a brief period Commissioner of Indian Affairs. Ten years later he was Superintendent of the Tenth (1880) Census. His name will ever be associated with the extension and improvement of the statistical service of the United States Government. From small beginnings the United States Census had grown to be a vast undertaking. It had outgrown in 1870 the antiquated machinery which operating through the United States Marshals, officials engrossed by other duties, had been provided for it. It was General Walker's desire not only to improve the quality of the census, but to make it a complete record of the social and economic condition of the people. To this end he strove earnestly, but Congress refused its aid. He was therefore constrained to take the census of 1870 under an act which he knew to be highly defective, yet his talent as a statistician could not be suppressed. The four volumes of the Ninth Census are a distinct advance over their predecessors. In orderly arrangement and effective analysis they reveal a mind skilled in the use of statistical data.

The Tenth Census was peculiarly Walker's creation. For though he resigned his office in 1881, and left the completion of the work to others, it was he who laid the plans of the enumeration, and conducted it through its early stages. Congress had listened to his plans and passed an act which extended the scope of the census and reorganized its machinery. Thus equipped he made the census the most exhaustive statistical inquiry which had ever been under-

taken by any government. Its twenty-four volumes are a vast mine of information from which may be drawn precious materials for the study of our social and economic conditions.

From 1873 to 1889, Dr. Walker was professor of political economy at the Sheffield Scientific School of Yale University, and it is to this period that we owe some of his most important works. When in 1881 he returned to academic life it was no longer as a teacher, but as president of the Massachusetts Institute of Technology. He found it poorly equipped and struggling for existence. His administration leaves it in the foremost rank of technical schools. If at this time he left the class-room it was only to find a larger audience in the public. His contributions to economic science did not cease, but he worked chiefly through the printing press and the various societies devoted to economic research. For many years he was president of the American Economic Association, and he did more than any one else to direct its labors in fruitful fields. Till the day of his death he was president of the American Statistical Association, whose labors have been more modest, but not less helpful, to the smaller body of students who have devoted themselves especially to this field of research. Indeed, on the last day of the old year, he made the opening address at the session of the Washington branch of that organization, an address marked by lucid statement and vigorous thought.

It would be tedious to recite the names of learned societies at home and abroad which have delighted to do him honor, or to name the universities which have heaped honorary degrees upon him. It would furnish but another evidence of the universal recognition of his worth and services.

His services to economic science in America are not contested. He gave new life to the study of economics. He interpreted the maxims of economic science in the language of to-day. In his hands economics became a real thing, no longer a disregarded adjunct of moral philosophy. These

services will long be gratefully remembered. It must be left to others to make a complete statement of them.

After his services have been narrated, those who knew Dr. Walker personally must still feel that much is yet unsaid. In their recollections, the charm of a delightful personality stands out as vividly as the clear judgment, the sound common sense, the terse and vigorous sentences which marked his conversation. Always open-hearted and approachable, his kindly manner left an ineffaceable impression upon younger men, who found at once stimulus and encouragement in their intercourse with him. It was this generous consideration for others which with his natural dignity made him an ideal presiding officer. It was this cultured affability which won for him innumerable friends who unite in praising the man as well as his works. His friends are to be found in all walks of life, for not only did the varied activities of President Walker bring him into relations with many men, but the lively human sympathies of his nature at once found a point of contact with all. For while a teacher and a man of science, he never became one whit less a man of the world, actively interested in humanity's daily concerns. Indeed his studies were intensely practical, an outcome of the living problems of the world about him.

With Dr. Walker the most prominent figure among American economic teachers has passed away. He has indeed built for himself the most fitting monument to his memory. For he has left behind him a noble series of works in which a vigorous and easy style, a clear intelligence and a strong humanity will continue to do him honor. Other memorials will be erected to his name which will not be forgotten. In these lines it has been our wish to express briefly our profound esteem for this distinguished scholar, and our sense of loss in his death, which will be keenly felt by our Academy.

R. P. F.

*January, 1897.*

## THE CONCENTRATION OF INDUSTRY, AND MACHINERY IN THE UNITED STATES.\*

Large industries in America show a strong tendency to concentration. The fact is one of familiar observation, while innumerable and incontestable proofs are to be found in statistics. The multiplication of the number and power of machines, the improvement of the means of transportation, the growth of capital are the three principal causes of this evolution. They are well known and need not be insisted upon.

I propose in this paper to direct attention to the part which the spirit of invention and the characteristics of the laboring classes have taken in this development, and to consider the attitude of the laboring classes and of the entrepreneur to the problems which this transformation has called forth. The inventive genius and the enterprising spirit of Americans are among the causes of the great development of machinery. A few years ago, Mr. Jacob Schoenhof said in his interesting volume upon "The Economy of High Wages,"†

"If one has made it an object to examine the tools and other automatic machinery and the working methods in the metal and machine industries of this country and has made parallel observations in Europe, he can hardly help speaking with admiration of the genius of our people, who, impelled by causes already discussed, have worked from the most difficult beginnings into fields never trodden before, where a tariff could hinder, but could never help."

There is no country where, in spite of the system of preliminary examination, more patents are applied for and granted than in the United States. In 1890 there were 41,048

\* This paper is an extract from one of the chapters of my work, "*L'ouvrier américain*," now in press.

† P. 224.

applications and 26,292 inventions.\* In the same year there were 7634 in France. From 1837 to 1895 there have been 950,855 applications for patents and 543,956 patents granted. Carriages, wagons, stoves, furnaces, reapers, lamps, and shoes have been the principal subjects of these inventions.

Patents do not always represent inventions peculiar to the United States, since many are imported. Americans are prompt to seize every novelty and like to believe that it is their own. The system of preliminary examination seems to give them greater security than the French system. They are none the less authors of many beautiful inventions, particularly in machinery and in electricity, where they properly are considered masters. They are also very prompt to take out a patent for the slightest appliance, if it is only to have it bought by others.†

The desire to diminish human effort by mechanical processes is shown in small as in large things. In the large dwellings and factories of recent construction, the elevator replaces the stairway; most merchants and many private persons conduct their correspondence by machinery. The use of the telephone is much more general than in France.

Two minor matters showed me at once on my arrival in New York, how widespread was the desire to save labor. I saw the tracks of a street railway being sanded. The wagon for this purpose contained, besides a driver, only one workman who held a lever, opening and closing a

\* The number has doubled in twenty years as seen by the following table:

PATENTS IN THE UNITED STATES.

Year.	Applications for Patents.	Patents Granted.
1850 . . . . .	2,193 . . . . .	993
1860 . . . . .	7,653 . . . . .	4,084
1870 . . . . .	19,171 . . . . .	13,333
1875 . . . . .	21,638 . . . . .	14,837
1880 . . . . .	23,012 . . . . .	13,947
1885 . . . . .	35,717 . . . . .	24,233
1890 . . . . .	41,048 . . . . .	26,292
1894 . . . . .	38,439 . . . . .	20,867

† See Atkinson, Tenth Census. Report on Cotton Manufactures, p. 10.

vent through which the sand flowed like water through a watering-pot. On the elevated railroad trains, where the stops are very brief, I observed that the brakeman held a lever which opened and closed the gates automatically. I was recently at Berne with an American, the inventor of an ingenious machine for the analytical tabulation of statistical bulletins. He was looking at a large wheel, which was turned by four men, like squirrels in a cage, for raising the material used in the erection of a large building, and could not conceal his astonishment. He was sorry he did not have a camera, "for," he said, "in America they would not believe me if I told them of it."

The American nation has great confidence in its inventive genius as well as in the superiority of its civilization. *L'Économiste Français* \* some time ago reproduced a passage from a mining journal of Montana, which, endeavoring to prove that the United States could adopt the free coinage of silver without the co-operation of Europe, said, "we are the first nation of the world. It is to our inventive genius that the world owes its steamboats, telegraphs and telephones. Without us Europe would return to the barbarism of the Middle Ages." This sentiment, which attests the national pride rather than the erudition of the author, is found very often in print and in conversation; discreetly among those who have studied or visited the Old World, boastfully in the mass of the people and in the newspapers, especially those of the far West. I remember having seen at the Exposition at Philadelphia in 1876, a picture in sixteen sections representing episodes in the history of civilization: in the first compartments, man terrified by the lightning, by a religious superstition, by feudal tyranny, and by the Inquisition; that was the part of the Old World; in the last, Franklin and his kite and Professor Henry of Washington constructing a telegraph apparatus (nothing, by the bye, for Ampère), this was the part of the New World.

\* Issue of October 12, 1895.

Success intoxicates, and this young nation has grown so much within a century that it is excusable in thinking that nothing equals its greatness.

The inventive genius of the American is perhaps a native gift, but it has been unquestionably stimulated by the high rate of wages. For, the entrepreneur seeks to economize human labor the more it costs him. On the other hand, when machinery gives greater productive force to the laborer it is possible to pay him more. An addition of one franc divided among one hundred units of product, only increases the price of the unit one centime. Distributed among ten units, it would increase the price by ten centimes. If one offered to a manufacturer a machine costing 50,000 francs, which replaced four laborers, but which he must amortize in ten years, the manufacturer, in a country where the wages were 2000 francs annually, would not hesitate to buy it, because it would give him a saving of 3000 francs, while the manufacturer in a country where wages were 1000 francs \* would not take it because it would cause him a loss of 1000 francs a year.

There can be no doubt that the machine has rendered production more rapid and more abundant. To demonstrate the advantage of the division of labor, Adam Smith took as an example a small pin factory, and calculated that while a single laborer working alone without machinery, could hardly make twenty in a day, ten laborers, each having a special occupation and combining their labors, manufactured more than 48,000 daily. Mr. Schoenhof, reverting to this illustration, has shown, in a factory of Massachusetts, where seventy machines in operation were tended by three laborers, a machinist and a boy, a production of 25,000 packages containing 7,500,000 pins, inserted in papers and ready

\* The electrical tabulating machine of Mr. Hollerith was employed with economy and success for the Eleventh Census at Washington, where clerks received \$2 and \$2.50 per day. At Vienna and at Rome, where wages are much less, the experiments made were by no means so conclusive in regard to the economy realized.

for sale. One hundred years ago one boasted of making 4800 pins per person; to-day we make 1,500,000.\*

The manufacture of nails, which has a certain analogy with that of pins, may be considered in detail. At the opening of the century they were already made in part by machinery, the Perkins machine having been invented in 1790 and patented in 1795. The laborer set the machine in motion with a foot and one hand, while he held with the other a rod of iron. It produced 200,000 nails a day, but a second operation was necessary for the head. In 1801, twenty-three patents for nail-making had already been granted in the United States. In 1835, there were many more, since mechanical nail-making had been developed and was pushing hand-made nails to the wall. The Perkins machine has been abandoned, because it produced too dearly. The same was true of the Ordione machine, which was succeeded by the Mellville-Otis machine which, in 1879, had yielded to the Reed machine.

But another machine, making nails from wire instead of rods, had made its appearance in 1851. However, the wire nail thus produced did not succeed until after the introduction of the three German machines in 1871, and did not compete with the cut nails until after 1882. In that year also the Bessemer steel began to compete with iron in the manufacture. To-day a laborer, instead of laboriously turning the machine himself, oversees eight machines without fatigue.†

In 1886, steel formed five per cent of the production; to-day it constitutes nearly the entire amount and the

\* "The Economy of High Wages," p. 99.

† Some figures taken from the publications of the American Iron and Steel Association, show the progress and revolution which these inventions have accomplished. The production per kegs of one hundred pounds each, was

Year.	Cut nails.	Wire nails.	Total.
1856 . . . . .	1,824,000	. . . .	1,824,000
1873 . . . . .	4,024,000	. . . .	4,024,000
1886 . . . . .	8,160,000	600,000	8,760,000
1890 . . . . .	5,641,000	3,136,000	8,777,000
1893 . . . . .	3,048,000	5,042,000	8,090,000



quality has improved. If in the last ten years the production has not increased, the price has continued to fall. This fall appears to be enormous if we go back to the period of the Perkins machine. In fact, in 1818, a pound of nails cost from 18 to 37 cents;\* in 1872, 5½ cents, and 1893, 2 cents.†

Mr. Carroll D. Wright furnishes numerous proofs of the productivity of machines.‡ In an agricultural implement factory in the West, 600 laborers produce as much as 2145 before the present machinery. In a gun factory, one man used to make the pieces of one gun a day, and now three men make the parts of 130 guns. Machines save 80 per cent of the labor in the manufacture of women's shoes; 66 per cent in the making of men's shoes. Furthermore, with the McKay machine, a laborer can finish 300 pairs of shoes where he formerly could make five at hand-work. A few years ago, a manufacturer made 500 dozen brooms per week, with seventeen good laborers; he now makes 1200 with nine laborers. A cotton weaver, with the handloom, used sixty to eighty threads a minute; the power-loom uses 180; while the laborer tends from two to ten looms, according to the nature of the product.

Mr. Schoenhof, who also gives many proofs of the productivity of machines, compares the nailmaker of the black country of England, who earns 2s. in fourteen hours, and the nailmaker of Pittsburg, who earns \$5 in ten hours.

"The English nailer," he says, "earns from 10s. to 12s. a week. If helped by a lad the combined earnings do not exceed 16s., of which he must spend 2s. for fuel. The American, who manages three machines, earns with his \$5 a day, \$30 a week, his apprentice \$9; but they produce 2½ tons as compared with the 200 pounds that the Englishman produces, a twentyfold product for tenfold wages; thus the price of a thousand nails is only half as great in America."§

\* Swank, "Iron in All Ages," p. 449.

† A keg (100 lbs.) cost \$5.49 in Chicago in 1872, \$3.15 in 1887 and \$1.49 in 1893. Annual Statistical Report American Iron and Steel Association.

‡ "Industrial Evolution of the United States," Part IV.

§ "Economy of High Wages," pp. 226 and 398.

The Englishman does not produce nearly so cheaply as the alliance of intellectual and mechanical forces permits the American to do.

To prove that high wages correspond to the low cost of production, Mr. Atkinson relates that a German steamship from Bremen, having suffered severe injuries, was dry-docked at New York for repairs. The owners, when they had received the first statement of charges, frightened by the price of a day's labor, sent orders to suspend all operations. But the orders arriving too late, it was found, when the final account was made, that the total cost was less than it would have been at Bremen.\*

"The pay here is good, but the labor is hard," said an Alsatian blacksmith employed in a large factory. I could verify nearly everywhere the truth of this remark, for I have seen such activity both in the small industry, where the tailors in the sweating-shops in New York worked with feverish rapidity, and in the great industry, where the butchers of the Armour packing house prepared 5800 hogs a day, where the cotton weavers tended as many as eight looms, or where the rolling-mill in Chicago turned out 1000 tons of rails in a day. Everywhere the machine goes very rapidly, and it commands; the workman has to follow. An English manufacturer, having read in one of Mr. Schoenhof's books that a silk spinner of New Jersey had renewed his machinery in order to obtain 7500 turns a minute, instead of 5000, told him that should he establish such machinery in his workshop all his workers would leave him. And, yet, in America, at the present time, the rapidity is from 10,000 to 13,000 turns.†

Even where the machine only plays a secondary rôle it is customary to go quickly and to lose no time, a necessary result of competition. The employer will not tolerate an idle or listless laborer, who causes him loss.

\*"Distribution of Products," p. 61.

†"Economy of High Wages," p. 39.

In the Senate inquiry of 1883, upon education and labor, a weaver of Fall River, who had been a member of the Massachusetts Legislature, and who was then secretary of the Weavers' Union, said that he had worked seventeen years in England, and that conditions were much better than in America. The manufacturers there were not so desirous as they are here of working their men like horses or slaves; they do not work with the extraordinary rapidity which is customary at Fall River. In England, one man manages a pair of looms with two assistants; one between the looms and the other behind. In America, the manufacturer, with one or two exceptions, will not hear of that, and whatever the number of spindles they do not wish that a man shall have more than one assistant. The spindle is turned more rapidly; the laborers have more to do and for each loom Fall River produces more.\*

In the same investigation, a tailor who had been successively miner, farm hand, and tailor in England, and who was secretary of a union at New York, thought the miner better off in England than he was in America, where he was obliged to do much more work in a day. "One can," he said, "say the same of carpenters, bricklayers, and plasterers. For instance, a bricklayer sets in a day about 500 bricks more than at London, Liverpool or Glasgow. I have lived in these cities and I have studied the question. A bricklayer here does more and better than elsewhere. The same is true of the carpenter and the cabinetmaker. In all the branches of industry, the men have to labor harder than in England, and their day is longer." The last statement would no longer be exact in 1893.

The superintendent for a large contractor and builder at St. Cloud, Minn., replied in an investigation by the Bureau of Labor, that workmen in the building trades who had served an apprenticeship in Europe, were slow in their work, even when they knew it well. On the other hand, a foreman stone-

\* "Labor and Capital," 1885, Vol. i, p. 631.

cutter stated that the best laborers were those who had learned the trade in Europe, especially in Scotland, because they commenced their apprenticeship later and continued it longer.\*

Several French laborers, delegates to the Exposition at Chicago, have brought back from their trip the notion that the laborer has to work hard and that he cannot loaf or chatter. "In the machine-shops," said one of them, "there is no movement, no going from place to place on the part of workmen, each one remains at his post without the discipline being more severe than in France."†

A Frenchman, a former student of the School of Art and Trades of Aix, who had worked many years as a machinist in America, gave me his experience on this point:

"The American workman," he said, "is very conscientious, he does not leave his place to talk with his comrades, he is very active and he knows how to use the machine which he handles with intelligence and not with mere routine. Thus, when he makes the cog-wheels, it is not unusual for him to modify the pattern which is before him. In such a case he notifies his foreman, who usually approves it. He enjoys great liberty in regard to the carrying out of his work. If he has invented anything, the employer, as a rule, encourages him (I observed this myself in the box factory connected with the Armour packing house), and oftentimes buys the invention to take out a patent in his own name. Specialty is pushed very far and the same models are frequently used, which facilitates the little inventions of detail, because the attention of the intelligent workman is constantly fixed upon the same object."

The machine does not work like the hand. It has an infinite force and incomparably greater rapidity; it has even a regularity and a precision which the hand and eye rarely attain. But it always does the same thing, and has none of the spontaneity or delicacy of the human mind. It remains for me to cast up the balance of advantage and disadvantage of the machine, and thus of American labor.

For the production of rough work, of the ordinary objects of consumption, of sample pieces, it has great advantages,

\* "Fourth Biennial Report of Bureau of Labor," Minnesota, 1893-94, p. 200.

† "*Rapports de la delegation ouvrière à l'exposition de Chicago*," p. 418.

and in many cases to-day a recognized superiority. For production in great quantities and with great rapidity, American industry is probably better equipped to-day than any other in the world, and I would not attempt to contradict Mr. Schoenhof in his statement that the labor of his country is as cheap in all the important articles that relate to the necessities of life, to clothing and machinery, as the labor of any other nation;\* although manufacturers continued to repeat that it would be impossible for them to struggle against foreign competition if they were not guaranteed by a rampart of customs duties.

Machinery does not give personal character, delicate finish, or the artistic stamp to its labors. That is the weak side of industry in the United States. A French officer, who examined particularly the firearms at the Chicago Exposition, said:

"The Americans do everything well which is done by machine in large quantities; but the finish is lacking, particularly the hand finish which would cost too much; they have in some factories good steel because the ore is good, but in general the steel is inferior to that of Creusot; their ordinary guns are fair and not dearer than in France, but the grooved barrels, which require more skill, are decidedly more expensive."

In machinery, manufacturers generally pay attention to the essential parts without caring to give to the rest the polish which is sought in France. However, there are exceptions, particularly for hand tools, which have forms differentiating them generally from those used in Europe, and which are for the most part, whether of steel or wood, of good quality, light and easily handled, well varnished, of varied forms and well adapted to their purpose. There were fine collections at the Exposition at Chicago, although certain very important factories were not represented.† The French

\* "Economy of High Wages," p. 386.

† The *Frankfurter Zeitung* cites several instances of this labor-saving, noting especially the bricklayer's trowel, which is also used to cut the bricks, and adds "The Americans are as wasteful of material as they are saving of labor and thus the repairing of tools causes them little concern."

laborers who visited the Chicago Exposition noticed everywhere the lack of finish.\* Even in the articles of luxury, they observed that, though Tiffany produced for a certain clientele very richly ornamented jewelry, where there is no attempt to economize style because dearness is a condition of success, he makes also for his ordinary clients cheap articles, which fashioned by mechanical processes, are only moderately artistic. They make the same criticism, and with still greater justification, of ordinary jewelry and imitation jewelry. The artistic bronzes did not satisfy them. They were very commercial and very ugly at the same time, said one; but the manufacture is well understood.† In the exhibit of a large zinc factory, which made cheap clocks, which had stolen and modified French models, they found, "that aside from our models, the rest is bad and only looks to the low price, which is obtained by the large means of production and the facility in the choice of models."‡ They saw pits where in six months leather was tanned by means of certain chemical agents, while fifteen to eighteen months are needed in France, but they doubt the durability of these leathers. I made the same observation for machine-made boots and shoes, and observed that harness was less carefully prepared than in France. They examined pieces of cloths, and found a large number of loops and other defects, coming chiefly from the thread. A French manufacturer commissioned to study the manufacture of hats at the Exposition, expresses himself in like terms, "The American," he said, "in regard to felt hats, imitates the German manufacturer and seeks to produce much and cheaply, rather than well, at the expense of his profits." The manufacturer of shirts says, "the American works for the million and seeks only to produce the article cheaply."

\* They found some products good, as tin-ware, shoes, carriages and common silks; it was chiefly the taste which appeared dubious.

† *Rapports*, etc., p. 239.

‡ *Ibid.*, p. 211.

However, there are exceptions. The shoemaker found the quality of ordinary shoes very satisfactory.

Manufacturers consider the improvement and rapid renewal of the machinery, the rapidly increasing rôle of the machine, and the development of large factories as the legitimate consequences of free competition, and deem it one of the most auspicious, as well as most fruitful forward movements of civilization, to produce much and to produce cheaply. They assert that the manufacturer, the laborer, and the consumer, all three, find it advantageous in the long run.

One must recognize with them that if machines are at the beginning optional, they finish by being obligatory; the better informed hasten to adopt them in order to make profits; the tardy ones decide to employ them in order not to be ruined. Without doubt, it may be disagreeable at times for a manufacturer to have a large capital invested in his plant, and it is painful at the end of a few years to see this machinery out of date and the capital sacrificed.

"So active has been the competition between different mills," according to the Census of 1890, "that only those concerns which have been foremost in the adoption of improved labor-saving machinery are large producers at the present time. The destruction of capital in the steel rail industry during the past decade, by the improvements in mechanical appliances, has been enormous, costly machinery becoming obsolete long before worn out."\*

But if this machinery is out of date, it is because better results are obtained with new machinery. Necessity of frequent change is proof of the rapidity of progress. A cautious manufacturer calculates among his general costs the usage of machinery in a brief period, and if he has calculated properly, he does not worry about a machine placed in the lumber room; it is paid for and has, consequently, rendered the service expected. The individual or nation has the greatest chance of success who knows how to provide him-

\* Eleventh Census "Manufacturing Industries," Part III, p. 413.

self with the best tools and how to use them. A country which wishes to enter into the front ranks of commercial and industrial nations, or to remain there, cannot fall behind in this respect.

The manufacturers judge that the movement has been advantageous to workmen, as sellers of labor, because the level of salaries has been raised, as consumers of products, because they purchase more with the same sum, and as laborers, because their task has become less onerous, the machine doing nearly everything which requires great strength; the workman, instead of bringing his muscles into play, has become an inspector, using his intelligence. He is told that his specialized labor is degrading because monotonous. Is it more monotonous to overlook with the eye for ten hours several automatic looms, and to attach, from time to time, one thread to another with the finger, than to push for fourteen hours against the breast the arm of a hand-loom, pressing at the same time the pedals with the feet?

In proportion as the machines require more room, the ceilings become higher, the workshops larger, the hygienic conditions better. From a sanitary standpoint, there is no comparison between the large factory to-day and the hut of the peasant, or the tenement of the sweating system. The improvement of machinery and the growing power of industrial establishments, have diminished the price of a great number of goods, and this is one of the most laudable forward movements of industry whose object is to satisfy, as well as possible, the needs of man.

The laboring classes do not share this optimism. They reproach the machine with exhausting the physical powers of the laborer; but this can only apply to a very small number of cases to those where the workman is at the same time the motive power, as in certain sewing-machines. They reproach it with demanding such continued attention that it enervates, and of leaving no respite to the laborer,



through the continuity of its movement. This second complaint may be applicable in a much larger number of cases, particularly in the spinning industries and in weaving, where the workman manages more than four looms. They reproach the machine with degrading man by transforming him into a machine, which knows how to make but one movement, and that always the same. They reproach it with diminishing the number of skilled laborers, permitting in many cases the substitution of unskilled workers and lowering the average level of wages. They reproach it with depriving, momentarily at least, every time that an invention modifies the work of the factory, a certain number of workmen of their means of subsistence, thus rendering the condition of all uncertain. They reproach it, finally, with reducing absolutely and permanently the number of persons employed for wages, and thus being indirectly injurious to all wage-earners who make among themselves a more disastrous competition, the more the opportunities for labor are restricted.

In one of the reports of the census of 1880, Mr. Wright examined other accusations which have been brought generally against manufacturing: (1) necessitating the employment of an excessive number of women and children, it tends to destroy the family ties; (2) it is injurious to health; (3) it tends toward intemperance, prodigality, and pauperism; (4) it encourages prostitution and criminality. It was not difficult to prove that these accusations rest upon errors or exaggerations.\*

Quite recently the report of the Commission on the Unemployed of the State of Massachusetts, prepared by Professor Dewey of the Institute of Technology, cited as causes of idleness, the introduction and the improvement of the machine, joined with the specialization of labor and the greater productivity of the laborer which has been the consequence. "We are not agreed," says the writer, "upon the

\* Tenth Census, "Factory System in the United States."

precise extent of the influence of this cause whose effects have varied according to places and occupations." Taking shoemaking as an illustration, he finds in one place a diminution of 15 to 20 per cent, in another from 25 to 30 per cent in the number of the laborers, and he gives in each specialty the number of laborers employed before the invention of the important machines (McKay, Goodyear, etc.), that is a dozen years ago, and to-day; twenty-eight laborers now do the work of forty-four, the diminution is, therefore, about one-third. It would be much greater if the comparison went back fifty years. "Some of the discharged laborers," says Mr. Dewey, "have been re-absorbed by the growth of production, but not all, and the proportion of unemployed increases rapidly and continuously." Mr. Dewey also observes that machinery, which like the Hoe press, does everything and hardly leaves to the laborer more than the duty of furnishing the raw material and of gathering together the finished product, assuredly modifies the composition of the printing office. Fewer laborers are necessary, but they must be intelligent; one skilled man who acts as overseer with a few laborers is enough. It is the same in a factory where the hydraulic hammer has replaced the blacksmith, and in many other industries. A compositor with the machine has not nearly so great a need of a long apprenticeship as the compositor with the hand. It is in calculating according to this substitution of low-priced day labor for skilled workmen, that the labor party seeks to prove that machinery has lowered the average of wages and discouraged apprenticeship.

In the Senate Inquiry of 1883, a tailor spoke with regret of the salaries of 1867, when cutters in New York received twenty to thirty-two dollars a week (he did not remember that they were paid in paper money); they did not gain more than fifteen dollars on the average in 1883. The chairman asked whether the cutting and sewing machines had produced a revolution in the production

of clothing. "That is the case," he replied; "they have suppressed a large part of the work of skilled hands, which was formerly necessary."\*

The Bureau of Labor of New York in 1894 echoed the complaints of workmen who accuse machinery of having diminished the quantity of labor: by 15 per cent, said the carpenters; by 20, said the cutters; 30, shirtmakers; 35, cabinetmakers; 40, compositors, and 50, brownstone cutters. But these workmen appear to have calculated for the labor employed at the same work before and after the invention of the machine, without thinking of the increase of labor, which had been the consequence of the decline in prices, resulting from invention. Some unions, however, observe that machines have increased the number of laborers. Thus, the piano-makers claimed 20 per cent increase. Upon what were these proportions based? The information seems too vague to be conclusive, but it cannot be doubted that in these occupations fewer laborers are necessary than formerly to do the same work.

To these grievances political economy replies by the general results of statistics, which show that the total number of laborers, far from having diminished, has steadily increased from one census to another in the United States; that, on the other hand, the total wages paid to laborers shows an increase of average wages, that the diminution in the price of goods is advantageous to consumers among whom are to be reckoned the wage-earners. These three facts are indisputable.

However, the American laborer is not reassured by such a reply, because he rarely consumes the goods he manufactures, because the average wages of the country is not necessarily the measure of his wages; because when dismissed in consequence of an improvement of machinery, he runs great risk of finding no employment in the same industry, while in another he finds it generally only after long delays; in

\* "Labor and Capital," Vol. i, p. 148.

the meantime, he has a family to support. Although the American is more mobile than the European, the transition is not easy either for one or the other. And on both sides of the Atlantic, there is individual misery and professional crises which touch painfully, very cruelly sometimes, the laboring classes. That fact is not to be disputed.

In general, the people are ignorant of history. If they knew better the experience of the past, they would perhaps be less anxious for the future. During the second half of the nineteenth century, the productive force of industrial machinery and the quantity of products have assuredly increased in a considerable degree, more rapidly than the number of consumers.\* In the middle of the century, machines were denounced as leading to disaster through overproduction. Bastiat endeavored to demonstrate how slight was the foundation for this opinion.

"If the power of machines renders a portion of human labor superfluous for a time, this progress causes anxiety, and is considered disastrous. The specious, but absurd formulas are heard that production is excessive, and we perish from abundance, that productive power has surpassed the power of consumption."

Before Bastiat, Sismondi had insisted at length upon the "glut of commerce," upon "the number of manufactures which bring to the market products which infinitely surpass the purchasing capacity of the public," denouncing the concentration in large factories, and the progress of mechanical appliances as the causes of a disordered overproduction, and affirming that all the laborers of England would be turned into the streets if the manufacturers could employ in their place steam machinery with 5 per cent profit.† But England has to-day infinitely more manufacturers employing infinitely more machines, producing much more than 5 per cent economy in cost compared with that of 1826, and bringing infinitely more products to the market, and yet it has many more laborers, and these receive

\* "*Harmonies économiques*," p. 73.

† "*Nouveaux principes d'économie politique*," 1827, Vol. ii, pp. 326 and 402.

higher wages. As time has proved Bastiat right, and as that promised abundance of 1850 has not prevented our generation from consuming in 1895 a production much more abundant, must we despair of the possibility to produce and consume still more in the coming generation?

What would the copyists of the Middle Ages, who wrote perhaps hardly four pages an hour, have thought if they had been told that the day would come when a machine would produce in an hour the contents of twelve million manuscript pages? It is true that copyists have almost entirely disappeared, but it is certain that printing employs many more arms than once copied manuscript, because the people know how to read.

The chief of the Labor Bureau of New York has made a suggestive comparison: the United States and Great Britain, he says, are the countries which own and use the most machines. Compare the general condition of laborers in those countries with that of any country whatever in the world, where machines are unknown, except in the most primitive forms. Where is the superiority? It is almost a paradox, and yet it is a truth that machines bring about a much larger employment and improvement, not only because they increase production, but because they multiply the chances of employment, and incidentally the consumption of products. In fact, the census of the United States shows that the proportion of laborers to the total number of inhabitants has increased in the same period that the machine has taken most complete possession of manufactures. From 1860 to 1890, while the population of the United States doubled, the number of persons employed in industry increased nearly threefold (increase of 172 per cent), and at the same time the mechanical power, measured by horsepower, increased fourfold.† Inventions have created new

\* Eighth Annual Report, Bureau of Labor, New York, p. 685.

† In England the number of horse-power has increased from 1,290,000 in 1850 to about 9,500,000 in 1890; still population has increased from 27.7 millions to 38.1 millions. In France population was 34.2 millions in 1841 and 38.3 millions in 1896;

industries, such as photography, electricity, telegraphy, electrotyping, railroading, manufacture of bicycles, etc., and have thus given to labor much more employment than they have withdrawn from it. Thus, even in old industries, transformed by machinery, the progress of consumption has generally maintained a demand for hands.

This progress has not been made at once by regular and simultaneous development of all the branches of production; there have been general and special crises. Each branch has, as it were, its history; there are some which languish and there are some which decay, but it is by the entire tree that one must judge the growth. What the chief of the Bureau of Labor of New York says concerning Great Britain and the United States, is proved by statistics for all the great industrial regions; thus, in France, where the population increases very little, it grows rapidly in those departments which have the greatest number of steam engines, because machinery creates a demand and attracts hands.

There is no social evolution which does not produce friction. That which urges industry toward machinery and large factories appears to me to-day irresistible, because it leads to cheapness, which the consumer seeks first of all, and which is one of the objects of economic civilization. It is Utopia to believe that the world could come back by some modification of the social order, or of mechanical motive powers to the system of the little family workshop. Such a workshop is far from being an ideal, as the sweating system proves.

horse-power employed in industry was 56,000 in 1840 and 5,734,000 in 1890. The figures are hardly comparable because the statistical methods have changed, but they prove that the progress of motive power representing more than 100 millions man power has not interfered with the increase in the number of laborers in a country whose population is reputed to be stationary. From 1836 to 1891 population increased more than sixty-four millions in the fourteen departments which have the largest number of machines and which are also those which have increased most rapidly, while population has somewhat diminished since 1836 in the fourteen departments which have the smallest number of machines.

A Frenchman in Philadelphia, who is familiar with economic interests, said that, when one examines attentively the condition of affairs in America one is struck by the rapid development of large industry and its concentration. "The future is there." I agree with him, although convinced that the aggrandizement of manufactures has its natural limits, and that on the other hand there will always be a large place for small producers and small traders.

The industry of the United States since the Civil War has advanced resolutely and rapidly in that path, and has become very powerful. "It moves with great strides," said a French manufacturer in a report upon the Exposition at Chicago, "and in many points it is superior to ours, not from a scientific, but from a practical point of view." It will be concentrated still more, and the machine whose rôle will not cease to grow, will continually push it forward. It is, therefore, towards concentration and improved machinery that entrepreneurs, wage-earners and economists should turn their eyes to perceive the future. If one desires to try practical reforms, one must frankly accept, at the outset, a fact which one cannot prevent, and which has its reason for existence, which it would be regrettable from more than one point of view, to impede by the artificial measures of legislation.

*Paris.*

E. LEVASSEUR.

## SILVER FREE COINAGE AND THE LEGAL TENDER DECISIONS.

Now that the national political contest, involving more particularly the proposition for the free and unlimited coinage of silver dollars at the ratio to gold of sixteen to one, has been decisively settled against the proposition, and in favor of maintaining the present gold standard of the currency, it seems to be an opportune time to call the attention of the thinking people of this country to the difficulties we would have encountered, in securing from the Supreme Court of the United States a pronouncement of the unconstitutionality of a silver free-coinage act of Congress, which would have been passed and made law, if the Democratic party had been successful at the polls.

Throughout the heated political contest, the opposition papers teemed with arguments to prove that the free coinage of silver at the stated ratio meant repudiation *pro tanto* of all existing obligations; and this argument, brought home to the small investor, the savings bank depositor, the holder of life insurance policies, and the wage-earner, unquestionably secured the defeat of the silver party. And, although during the canvass very little was said in speech or print of the protection against such a dishonest act of government which might be confidently expected as a last resort from the courts, in declaring a silver free-coinage law unconstitutional, this feeling was undoubtedly widespread, if not often expressed. This expectation, in the light of our history, was a most natural one. For the whole constitutional law of this country, both national and state, is impregnated with the policy of protection to vested interests. Our revolutionary forefathers seemed to have been fearful of an unfettered popular will, and their boast—and the states-



men and jurists of the world have commended our government on account of it—was that they had established such a system of checks of one branch of the government upon another, as that it was impossible for any radical change to be effected in the form or policy of our government, which was not supported by the overwhelming second thought of the nation. As history has revealed it to us, the chief and most valuable check, devised by the framers of the national constitution, was the power of the courts to pronounce an act of Congress or state legislature unconstitutional, which contravened any provision of the written constitution.

Before the constitution of the United States was adopted and the present Union established, and while the Constitutional Convention was sitting at Philadelphia, the Congress of the Confederation was framing an ordinance for the government of the northwest territory; and, in setting forth the fundamental principles of justice, which should pervade and control the governmental acts of the territory, the ordinance provided *inter alia*:

“And in the just preservation of rights and property it is understood and declared that no law ought ever to be made, or have force in the territory, that shall in any manner whatever interfere with or affect private contracts or engagements *bona fide* and without fraud previously made.”

This declaration was called forth by the very general desire to repudiate the inheritance of public indebtedness from the expenditures in the prosecution of the revolutionary war. In order to more effectually stem this tide of sentiment in favor of repudiation of public obligations, the Constitutional Convention inserted in the constitution the well-known provision that, “no state shall pass any law impairing the obligation of contracts.” The convention did not think it necessary to impose the same explicit restriction upon the powers of Congress, probably because the national government was not expected at that time to play

a very large or important rôle in the internal affairs of the country. But in the fifth amendment to the constitution, adopted subsequently, it was provided that

“no person shall be deprived of life, liberty or *property* without due process of law.”

It is therefore one of the fundamental propositions of American constitutional law, that neither the national nor the state legislatures have the power by enactment to take one man's property and give it to another, even upon payment of compensation, except in the enforcement of the payment of debts. In the exercise of the right of *eminent domain*, a private owner's land may be taken for devotion to public use, upon payment of compensation. But it is not possible for land so condemned to be devoted to the strictly private use of another.

Property is defined as “any thing or object of value which one may acquire and own,” and one of the commonest divisions of property in the law books is into things in possession and things in action. Things in action, or, to employ the old Norman-French term, *choses in action*, include every claim against another for money, or money's equivalent, which can be successfully enforced in a judicial action. It is manifest, therefore, that the constitutions, both national and state, guarantee one in the secure possession of things in action, as well as of things in possession. When the National Bankrupt Law, which cut off the claims of creditors of an insolvent debtor, was claimed to be a violation of the right of property in things in action, it was justified on the ground that the constitution of the United States had expressly authorized the enactment of the law, thereby making it an express exception to the ordinary constitutional guaranty of protection to vested rights.\*

It is probably not an exaggerated statement that three-fourths of the private property of the world are things in action, contracts, bonds, notes, open accounts, covenants,

\* See *Ogden vs. Saunders*, 12 Wheat. 269.

mortgages, etc., and the great majority of these things in action are contracts, which call for the payment of money. It is also probably true, that the overwhelming majority of these current monetary obligations were created in this country since 1873, when Congress demonetized silver, and put the country distinctly on a gold basis. These current monetary obligations were, therefore, made on a gold basis; *i. e.*, when the bond or note, called for the payment of one thousand dollars, both debtor and creditor are conclusively presumed to have had in contemplation the payment of something, which, under the denominations of dollars and cents, would have enabled them to buy in the markets of the world the value in goods of the amount of gold which was put by the United States Government into one thousand gold dollars. If these parties had anticipated that, when the debt fell due, the debtor could extinguish his debt of one thousand dollars in gold by the transfer of five or six hundred gold dollars' worth of silver—which would enable the creditor to buy in the markets of the world only a little more than half the quantity of goods that he could get with the one thousand gold dollars, which he had expected to realize from the contract—the terms of the contract would certainly not have been the same. Common sense, as well as the expressed judicial opinion of this country in analgous cases, with the exception of the legal tender decisions, would force us to the conclusion that an act of Congress, passed subsequently to the making of the contract, which required the creditor to take five hundred gold dollars' worth of silver, whether in bullion or coined into silver dollars at the ratio of sixteen to one, would have the effect of taking away from the creditor one-half of his property, by reducing its purchasing power by one-half; and, that, for that reason, such an act of Congress was in violation of the fifth amendment of the national constitution, which prohibits the taking of private property.

It might be urged that the silver dollar of the present

weight and fineness is already, and has been since 1878, legal tender in payment of all debts, public and private; and that the free coinage of silver dollars at the same ratio would not change the rights of parties to existing private contracts. To this contention the answer may be given that, inasmuch as silver is coined, under the act of 1878, and subsequent acts, in limited quantities only, the silver dollar has the character and effect of subsidiary coin, particularly since the government has uniformly given to the holder of silver dollars and treasury notes gold dollars, whenever they were demanded. In other words, the United States Government's guaranty that the silver dollar shall be maintained on a parity with the gold dollar, substantially makes the silver dollar as much a subsidiary coin as the fractional currency, whose intrinsic value is below the nominal value. This guaranty of the government alone maintains this parity; but if the guaranty were to be made worthless, as it would by a provision for the free coinage of silver, the gold would disappear from circulation, as it did in 1834, and the country would at once settle down to a silver basis, resulting in a practical repudiation of about fifty *per centum* of existing obligations, unless the United States Supreme Court intervened with the declaration that this is a taking of private property without due process of law, which is inhibited by the national constitution.

It is a common rule of private conduct, that where one, even for a laudable purpose, does an act, which is in violation of a fundamental principle of ethics and justice, the incidental injurious consequences far outweigh in effect the good, or supposed good, which is immediately attained. And this is strikingly true with the declarations by the Supreme Court of the United States that Congress had the power to declare the United States treasury notes to be legal tender in payment of public and private debts. Those, who are not familiar with the opinions, filed in these cases, will be surprised to learn that Justices Strong and Gray, in

delivering the opinion for a majority of the Court, in 12 Wallace, 457, and 110 U. S., 449, have plainly asserted the power of Congress to debase the currency, and make the debased currency legal tender in payment of existing obligations. In the legal tender cases,\* the Court say:

"The obligation of a contract to pay money is to pay that which the law shall recognize as money when payment is to be made. . . . No one ever doubted that a debt of \$1000, contracted before 1834, could be paid by 100 eagles coined after that year, though they contained no more gold than 94 eagles such as were coined when the contract was made, and this *not because of the intrinsic value of the coin, but because of its legal value.* . . . Every contract for the payment of money simply, is necessarily subject to the constitutional power of the government over the currency, whatever that power may be, and the obligation of the parties is therefore assumed with reference to that power. . . . It is thus clear that the power of Congress may be exercised, *though the effect of such exercise may be in one case to annul and in other cases to impair the obligation of contracts.*"

In the same case, Mr. Justice Bradley says: "The mere fact that the value of debts may be depreciated by legal tender laws is not conclusive against their validity." And in *Juillard vs. Greenman*,† Mr. Justice Gray, in delivering the opinion of the Court, said:

"So, under the power to coin money and to regulate its value, Congress may (as it did with regard to gold by the act of June 28, 1834, and with regard to silver by the act of February 28, 1878, ch. 20) issue coins of the same denomination as those already current by law, but of less intrinsic value, or containing less weight of the precious metals, *and thereby enable debtors to discharge their debts by the payment of coins of less value.*"

Notwithstanding these very plain assertions of the power of Congress to debase the currency, by the modern imitation of the mediæval practice of clipping coins, I will make the effort to prove that the opinions of Justices Strong, Bradley and Gray are not indicative of what would be the judgment

\* 12 Wall. 457.

† 110 U. S. 444.

of the Supreme Court on the constitutionality of a free coinage silver act.

*First.* The opinion as to the power of Congress to debase the currency was only a *dictum*, and appears in cases which hold that the Congress could make United States treasury notes legal tender. While I believe that the court erred in reaching that conclusion, the making of a legal tender out of treasury notes was only an incidental debasement of the currency, inasmuch as the notes were payable in coin, and the discount in the current valuation of the notes, due to the stress of war and its subsequent effect on the credit of the government, was only temporary. I am also fully persuaded that the legal tender decisions would never have been delivered, had it not been that a very large and powerful class of people, who had made debts in reliance upon the legality of the legal tender acts of 1863, would have been seriously injured, if not ruined, by a decision of the court, that the treasury notes were not legal tender. In the beginning of his opinion in 12 Wallace, 457, Mr. Justice Strong said:

"It is also clear that, if we hold the acts invalid as applicable to debts incurred or transactions which have taken place since their enactment [the legal tender acts of 1863], *our decision must cause throughout the country great business derangements, widespread distress and the rankest injustice.* The debts, which have been contracted since February 25, 1862, constitute by far the greatest portion of the existing indebtedness of the country. They have been contracted in view of Congress declaring treasury notes a legal tender, and in reliance upon that declaration. Men have bought and sold, borrowed and lent, and assumed every variety of obligations contemplating that payment might be made with such notes. *Indeed, legal tender treasury notes have been the universal measure of value.* If now, by our decision, it be established that these debts and obligations can be discharged only by gold coin; if, contrary to the expectation of all parties to these contracts, legal tender notes are rendered unavailable, *the government has become the instrument of the grossest injustice; all debtors are loaded with an obligation it was never contemplated they should assume; a large percentage is added to every debt, and such must become the demand for gold to satisfy*

*contracts, that ruinous sacrifices, general distress and bankruptcy may be expected."*

Can there be much doubt that if Mr. Justice Strong and his colleagues, who sustained the constitutionality of the legal tender acts, were now called upon to declare an act of Congress to be constitutional, which will compel creditors to receive in payment of existing debts money having only one-half the purchasing power of the present gold standard, they would be just as profoundly impressed with "the rank injustice" of such an enactment? As the late Austin Abbott used to say, the business of the judge is to give a legal reason for the conclusions of common sense; and I may add that, while the legal reason is usually considered as controlling the judgment of the court, the judgment is really dictated by the conclusions of common sense. These conclusions of common sense, rather than the assigned legal reasons, must be considered in attempting to forecast the decision of the same court in analogous cases. In this connection I make bold to say that the quotation just given from the opinion of Mr. Justice Strong is a better guide to the determination of the social forces which brought about the legal tender decisions than the legal reasons assigned by him and his colleagues; as well as a better index of what the judgment of the court would be on the constitutionality of a silver free coinage act.

In the legal tender cases, the debtor class was in danger of being subjected to "rank injustice" by declaring the legal tender acts unconstitutional; while under a silver free coinage the creditor class would be the sufferers of "rank injustice," if the bill was held to be constitutional.

*Secondly.* When the legal tender acts were first passed, the nation was in the throes of a gigantic civil war, and the permanency of the union hung in the balance. It was as a war measure that the legal tender acts were first adopted; and while, in *Juillard vs. Greenman*,\* the necessity of claiming

\* 110 U. S. 421.

the power to make treasury notes legal tender, as a war measure, was not present, and the court really sustained the legal tender act of 1878, which continued the legal tender character of treasury notes and provided for their reissue, on the technical ground that, conceding to the government the power to make its treasury notes legal tender, it was a legislative and not a judicial question when it was necessary to exercise the power, underlying all these legal tender decisions is the profound though, in the judgment of many, the mistaken conviction that the exercise of that power in 1863 was of immediate service to the national government in overthrowing the Southern Confederacy; and that it would be unwise to deny to the government a power which, however dangerous it might be if employed unwisely, was held to be highly beneficent in times of great emergency. No such special plea could be urged in behalf of the free coinage of silver. The duration of the government is not to be promoted, but rather endangered, by such an enactment. The only end to be attained by such a measure, in addition to the heavy percentage of repudiation of all existing obligations, is the speculative gain from the establishment of a different standard of valuation for future contracts. Such an end would not justify the government's interference with the obligations of debtors on existing contracts.

*Thirdly.* The legal reason, which led Justices Strong and Gray to the statement that Congress could debase the currency without violating any provision of the United States constitution, was based upon what Mr. Justice Strong asserted to be an uncontroverted and uncontrovertible proposition of law that an ordinary contract to pay a certain number of dollars

“was not a duty to pay gold or silver, or the kind of money recognized by law at the time when the contract was made, nor was it a duty to pay money of equal intrinsic value in the market. . . . The obligation of a contract to pay money is to pay that which the law shall recognize as money when payment is to be made.”



And in *Juillard vs. Greenman*,\* Mr. Justice Gray said:

"A contract to pay a certain sum in money, without any stipulation as to the kind of money in which it shall be paid, may always be satisfied by payment of that sum in any currency which is lawful money at the place and time at which payment is to be made."

I think it can be demonstrated that this is not American law, so far as it is claimed to involve the power of the government to debase the currency, and to compel the existing creditor to take in payment of his existing claim a depreciated or debased currency at its face value. The foreign authorities, which are cited by these judges, need not be taken into consideration; because nowhere else in the world is a court authorized or enjoined to avoid a legislative act on any ground whatever. When, however, we read this proposition of the law of contracts, in the light of *Faw vs. Marsteller*,† cited by Mr. Justice Strong in support of his proposition, that the government can debase the currency without violating existing contracts, we are forced to the conclusion that its only meaning, as a proposition of American law, is that the creditor is obliged to take in payment of his claim, whatever is rightfully made legal tender at the time that the debt falls due. For example, it is a common proposition of commercial law that a negotiable promissory note may be made payable in this country, calling for the payment of a sum of money of a foreign denomination, but it is actually payable in the legal tender of this country, unless otherwise agreed upon; and the amount in the legal tender of this country, which is due on the note, is computed from the relative values of the units of the two systems of coinage. The commercial world holds, as the fundamental unit of value, to the purchasing power of the denomination. And while the government of the United States may vary the intrinsic value of its coins, and thereby change their ratio of value with foreign coins, it has not the constitutional power to increase or diminish the

\* 110 U. S. 421.

† 2 Cranch. 29.

purchasing power of the money called for in settlement of an existing contract. This seems to be the irresistible conclusion from the opinion of Chief Justice Marshall in *Faw vs. Marsteller*.\*

During the revolutionary period of our existence as a nation, each of the states, as well as the Continental Congress, had issued paper money or treasury notes, in such large sums, that this money had become greatly depreciated in value, and a proportionate premium had to be paid for gold and silver. Although there was a general expectation that at some time in the future the depreciated paper would be retired, and specie payment be resumed, most contracts were made in the expectation that they would be performed by payment in this depreciated currency.

The Virginia Legislature, along with provision for resumption of specie payment, had established a scale of valuation of the depreciated paper money in specie at different periods of its circulation, and declared that contracts, which had been made during the circulation of the paper money, when paid in specie, should be reduced in amount to the real value which the paper money had in specie at the time when the contract was made. For example, a contract calling for the payment of \$1000, made when the paper money was worth in specie only fifty cents on the dollar, the creditor could only recover \$500 in specie.

In the case of *Faw vs. Marsteller*, a deed of sale was made in 1779 of land upon a perpetual ground-rent of 26 pounds *current money of Virginia*. It was contended by the grantor's assigns that this contract did not come within the statute, because it was a continuing contract, and that the rentals falling due after the resumption of specie payment, should be construed as obligations arising after that date, and that these rentals should be paid in full in specie. Chief Justice Marshall denied this claim, holding that the contract did

\* 2 Cranch. 29.

come within the operation of the statute. The Chief Justice said, continuing:

"It seems to be the date and not the duration of the contract which was regarded by the Legislature. The act is applied directly to the date of contract, and the motive for making it was that contracts entered into during the circulation of paper money, *ought in justice to be discharged by a sum different in intrinsic value from the nominal sum mentioned in the contract, and that when the Legislature removed the delusive standard, by which the value of the thing acquired had been measured, they ought to provide that justice should be done to the parties.*"

The Virginia Legislature had, however, provided in the act referred to, that where the scale of values proved in any particular case to work injustice, the courts were empowered to make a special inquiry into the value in specie of the claim in the particular contract, and that this judgment of the court should determine the amount to be paid in liquidation of the contract. Chief Justice Marshall held, from the evidence before him, that this was one of those extraordinary cases, which were not justly provided for by the scale of values, and ordered a special inquiry to determine the annual rental value in specie of the land at the time when the land was sold. Surely the great exponent of the sanctity of contracts would not have rendered this decision, had he believed in the power of the government to change the intrinsic value of the unit of money, and compel parties to existing contracts to receive in payment the debased coin at its face value. In the light of the facts of this case, and the specific judgment of the court, the statement of Chief Justice Marshall in his opinion in the same case,\* which is quoted by Mr. Justice Strong in the legal tender cases, that "according to the law of contracts all moneys accruing under it, which were not received during the currency of paper, would be payable in such other money as might be current at the time of payment,"

must be taken to mean only that the creditor cannot object

\* 2 Cranch. 29.

to the *kind* of money offered him in payment, because it was not money at the time when the contract was made.

The same principles controlled the United States Supreme Court in laying down the rule that where, during the prevalence of the civil war, a note or contract was made in the Southern States within the Confederate lines, calling for the payment of a number of dollars, and which remained unpaid at the re-establishment of peace, the sum payable in the lawful money of the United States on such a note must be ascertained by the determination of the value in such money of the Confederate currency at the time and place, when and where such note or contract was made.\*

The fact that the same court rendered these decisions at the same time that they were deciding the legal tender cases, indisputably sustains my contention that the legal tender cases are not to be taken as a judicial determination, that the United States Government can impair the obligation of existing contracts by compelling, in performance of such contracts, the receipt of a debased currency at its face value.

*Fourthly.* The dicta of these justices are still further weakened by their claim that the United States Government had reduced the intrinsic value of its coin, and thus impaired the obligation of existing contracts in 1834. The latter half of the proposition is not true.

Under the act of 1792, the silver dollar was established as a unit of value in the ratio to gold of 15 to 1; but by 1823, it became very plain that the true ratio was 16 to 1. As a result of this depreciation of silver, the gold passed out of circulation and was either sent to Europe or hoarded in this country. Inasmuch as both silver and gold were legal tender, and the debtor could pay his contracts in either coin, he would surely pay in the cheaper metal. At that time, therefore, this country was on a silver basis, and all

\* See among other cases, the Confederate Note Cases, 19 Wall. 548; *Stewart vs. Salomon*, 94 U. S. 434; *Cook vs. Lillo*, 103 U. S. 793; *Wilmington, etc., R. R. Co. vs. King*, 91 U. S. 3.

the existing contracts were made in reliance upon payment in silver. The creditor gained nothing therefore from this relative appreciation of the gold dollar. The only one who profited by it was the possessor of the gold dollar, and his profit depended solely upon the extra quantity of gold in the gold dollar. Inasmuch as the country was already on a silver basis, in re-establishing a parity between the two metals, Congress acted wisely in reducing the quantity of gold in the gold dollar, because it was the scarcer coin, and had already passed out of active circulation. Values were in nowise disturbed by this congressional enactment; they would have been if the intrinsic value of the silver dollar had been increased, for all contracts were then made on a silver basis. The situation is now completely changed. We are on a gold basis, and the terms of all contracts are determined by a reference to the gold standard. The remonetization of silver at a ratio which would make the silver dollar inferior in intrinsic value to the gold dollar would at once take us to the silver basis, and the values of all monetary obligations would be proportionately reduced.

This exposition seems to make clear that while the legal tender cases would, as prominent precedents, have proved stumbling-blocks in the way of securing a declaration that a silver free coinage bill was unconstitutional, so far as it applied to existing contracts; such a declaration might have been confidently expected, if the court had been called to pass upon the question. Happily, the verdict of the people at the polls makes an appeal to the court unnecessary.

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## THE QUANTITY THEORY.

For many decades the quantity theory of prices has dominated certain departments of economic thought. Since the days of Ricardo, at least, it has formed the basis of much of the reasoning of economists and practical men on monetary questions, and it has been a premise of reasoning in other fields of thought. At no time in its history has it enjoyed complete immunity from attack, but the voices of its opponents have neither penetrated far, nor produced very important scientific or practical results. Quite recently, however, evidences of dissatisfaction with this theory have multiplied. It has been seriously discussed in our periodicals, and at least two books\* have been written in this country in which it has been definitely abandoned. Whatever these recent discussions may have accomplished in the direction of influencing public opinion they have clearly revealed the real basis of the theory. For instance, Miss Hardy and Mr. Schoenhof† have attempted to show that this theory is not in harmony with the facts of the history of money and prices, while President Walker‡ in reply has given such a statement to the theory as to make it impregnable to attacks by statisticians or historians, thus demonstrating that its real basis is theoretical, and that it is just as strong and just as weak as the reasoning upon which it is based. Neither President Walker, however, nor any one else has published the results of an inquiry into the nature and soundness of this reasoning. It is the purpose of this paper to supply, at least in part, this deficiency.

\* Mr. Schoenhof's book mentioned below, and Mr. Horace White's book on "Money and Banking."

† The former in the *Chicago Journal of Political Economy*, and the latter in his book on "The History of Money and Prices."

‡ See his article on "The Quantity Theory" in the *Quarterly Journal of Economics*, Vol. ix. President Walker's statement of the theory is discussed later on in this paper.

In its present form the quantity theory is the result of a long process of evolution. The germ of it may be found in statements frequently made by sixteenth century writers to the effect that all the commodities of a society and all its money are exactly equal in value, consequently that the value of a single piece of money is large or small according as the number of pieces be few or many.\* A more accurate statement of the idea really involved early led to a limitation of the commodities meant to those which were actually objects of commerce, and of the money meant to that actually in circulation.† In this form the theory might be stated as follows: The goods which are bought and sold upon the markets are equal in value to the money in circulation on those markets, and the value of a single piece is as before a function of the number of pieces. Later on it was discovered that the rapidity of the circulation of the pieces of money, and the number of times commodities were exchanged must be taken into consideration, and the statement of the theory had to be modified accordingly.‡ The use of credit instruments and of government paper in various forms, as media of exchanges, forced other restatements of the theory in order to make it conform to facts, even in appearance. The ingenuity of not a few writers has been admirably displayed in more or less successful attempts to accomplish this task. Mr. J. Shield Nicholson§ assumes a hypothetical market in which no exchanges are made without the actual passage of money from hand to hand, and in

\* See Davanzati, "*Lezione sulla Moneta*," quoted in Roscher's "Political Economy," Lalor's translation, Vol. i, p. 367.

† See Montanari, "*Della Moneta*," pp. 45, 64; and Hume, "Essay on Money," quoted by Roscher, *op. cit.*

‡ The discoverer of this truth is supposed by many to be Bandini, "*Discorso economico*," 1737, p. 141. Berkely, however, in the *Querist*, 1735, p. 447, writes: "A sixpence twice paid is as good as a shilling once paid." Much earlier yet, in 1697, Boisguillebert, "*Détail de la France*," Vol. ii, p. 19, had the germ of this doctrine, but he confounds circulation with consumption. And Locke, "Considerations," Vol. ii, p. 13, presented it in 1691 with great clearness, although he did not always remain true to his theory. Compare Quesnay, ed. Daire, p. 64; Cantillon, pp. 159, 382. Roscher, *op. cit.*

§ "Money and Monetary Problems," 2d. ed., p. 56.

which no money is withheld from circulation for any reason. He then assumes ten traders each with one kind of commodity, each commodity equal in value to every other, and one trader with one hundred pieces of money. Under these circumstances each commodity will exchange for ten pieces of money, and each piece of money will be worth one-tenth of a commodity. Increase the pieces of money to one thousand, and prices will rise tenfold, and the value of the money unit will fall to one-tenth its former amount. The law revealed by this illustration clearly is that in the hypothetical market assumed prices rise or fall in proportion as the quantity of money increases or decreases, and the value of the money unit changes in inverse proportion. In actual markets, according to Mr. Nicholson, this law is in full force, but the results of its operation are more or less concealed by the accomplishment of large numbers of exchanges through barter and instruments of credit, by the hoarding of coin and its frequent melting down for use in the arts, by changes in the value of commodities with reference to each other, etc., etc.

President Walker has explained the theory as a particular case of the application of the law of supply and demand, and his ingenuity has given us definitions and descriptions of the demand and supply of money, so carefully worded and so skillfully guarded that a person would be captious indeed who would find fault with them. They seem to cover the ground, and to be entirely adequate for their purpose. The following quotation from one of President Walker's recent articles in defence of the quantity theory illustrates his thoroughness and carefulness in this matter:

"In the situation existing, the quantity of goods to be exchanged being such as it is, prices ruling as they have done, producers and consumers living at such distance from each other as may be the case, the habits of the people as to carrying and using money being what they are, the machinery of exchange being what it is, there is occasion for a certain exercise of the money-function in that community. . . . Shall we say that the demand for money is



determined merely by the amount of goods to be exchanged? No. Many of these goods may be conveniently exchanged directly against each other in barter, or indirectly through the intervention of commercial and financial credit without the use of money. Such goods do not constitute a factor in the demand for money. Even when we know the amount of goods which must be exchanged through the intervention of money, we have still to inquire how often each commodity may require to be thus exchanged. On the other hand, the supply of money is not determined solely in the number of money pieces of a certain denomination or denominations available to do the money work. We must also know the rapidity of circulation. . . . In a community possessing in a high degree the agencies of transportation and transfer—railroads, parcel express, post and telegraph—a given volume of money-pieces might conceivably do two or three times as much of the money work as in a community more backward in the respects indicated. To resume, the demand for money and the supply of money are both quantities of two dimensions.

“When the demand for and the supply of money are thus stated and explained, it is difficult to see how any economist can take exceptions to the proposition that, other conditions remaining the same, an increase in the quantity of money must raise prices, and a decrease in the quantity must lower prices.”\*

It has also been suggested, in order to make the quantity theory fit the facts, that we substitute “total purchasing power” for money in the traditional formula. We would then be obliged to say that any increase or decrease in the total amount of purchasing power would proportionally raise or lower prices directly and the value of the unit of purchasing power inversely.†

It must be admitted, I think, that President Walker, Professor Nicholson and others have succeeded in stating the theory in such a way that it cannot be overthrown by an appeal to statistics. The rapidity of the circulation of money, the number of times each commodity has been or may be exchanged, the number of exchanges effected through barter and instruments of credit, the amount of money

\* *Quarterly Journal of Economics*, Vol. ix, p. 373.

† Professor Taussig in “Silver Situation in the United States.” Total purchasing power is assumed to be measured by the aggregate of all sorts of instrumentalities of exchange.

actually in circulation at any particular time are elements in the problem which are indeterminable by any known methods. If investigations like those recently made by Mr. Schoenhof and Miss Hardy prove that prices frequently rise and fall and remain stationary under all conditions of money supply, and that, so far as such facts indicate, the relation of prices to the quantity of money is quite as often the reverse of what you would expect from the quantity theory as in harmony with it; the defenders of the theory can still reply that, if all these unknown elements had been properly estimated and their influence accounted for, the theory would have been found to be true. The only rejoinder which can be made to such a reply is an expression of doubt which will leave honest opponents of the same opinion still.

But can any friend of sound economic theory remain satisfied with such a defence of this theory, or with the theory itself, if this is the best defence that can be made for it?

The real essence of the theory seems to have escaped the attention of both friend and foe. At any rate it has not been brought forward in recent discussions, and in consequence the real point at issue has been obscured. What students of monetary problems really want to know is whether there actually exists the causal relation between the value of the money unit and the quantity of money which the advocates of the quantity theory allege. These theorists insist that with a given amount of money work to be done and a given rapidity of circulation the value of the money unit is an effect of which the number of pieces of money is the cause. Neither changes in the market value of the material from which money is made, nor any other event can effect this value *directly*, they say, but only *indirectly* by first increasing or decreasing the amount of money in circulation. As Ricardo puts it, "There can be no depreciation of coin but from excess." "Whilst such money is kept within certain limits, any value may be given to it as currency." Is this true? May it not be true that the

causal relation is the other way about; that the quantity of money in circulation is an effect of which the value of the commodities to be exchanged and the value of the money unit are causes? Or, is the connection between the volume of currency and prices so close a one that any quantitative relation can be established? These are the real questions at issue.

What are the grounds for believing that the causal relation is as the quantity theorists claim?

President Walker's answer is that the law of demand and supply proves it. No one, he says, has shown any good reason for making money an exception to this law, and he expresses the belief that no good reason can be given. In other words, his claim is that the law of supply and demand and the quantity theory stand and fall together. But is this true? Everything depends upon what one means by the phrases in question. Does the law of supply and demand, as it is ordinarily understood, help us to answer the questions which were propounded above? Does it prove that the quantity of money has the direct causal effect upon prices which the quantity theorists allege? In my opinion these questions must be answered emphatically in the negative.

The law of demand and supply is simply a method of describing the process through which the value-determining forces work. It is a short way of saying that when some people want to buy more goods at a certain price than other people are willing to sell at that price, some of the prospective buyers will bid higher; some of them will stop bidding; new sellers will very likely enter the market; old sellers will perhaps offer more goods for sale, etc., etc., and that this process of "higgling" will continue until a certain quantity of goods passes from the hands of certain sellers to those of certain buyers at some price. At what price the law does not and cannot say. As Thornton demonstrated long ago, the so-called equalization of demand and supply may be

accomplished at many different prices. To determine at about what price in the long run demand and supply will properly be adjusted to each other, we are obliged to resort to the principle of cost of production, and ultimately to that of marginal utility. The numerous forces comprehended under these terms work themselves out through the so-called law of demand and supply. An appeal to this law cannot, therefore, settle a dispute regarding the true source of the value of the money unit.

A further difficulty with President Walker's method of argument consists in the fact that the demand for money, or the amount of money needed, obviously depends in part upon prices. If six commodities, for example, each worth a dollar a piece, are exchanged once each simultaneously, six dollar-coins will be required to do the work. If they are worth five dollars each, under the same circumstances, thirty dollar-coins, or their equivalent, will be required. We thus meet the same old problem in another form. If we would explain the demand for money, we must explain prices, and President Walker is estopped from using the quantity theory for this purpose, for that is the very question at issue. One cannot use the law of demand and supply in support of the quantity theory and then use the quantity theory in explanation of the law of demand and supply.

John Locke\* also regarded the quantity theory as a logical deduction from the law of demand and supply. He maintained that the demand for money was infinite; and consequently that the supply only needs to be considered in an explanation of prices or of the value of the money unit. According to Locke's notion there is no limit to the amount of money which people desire, but he did not explain how an infinite desire makes a finite demand; neither did he explain how an infinite demand with a finite supply could result in anything except an infinite price.

\* "Considerations on the Lowering of the Rate of Interest."

Mr. Nicholson's reasons for believing the quantity theory are nowhere expressly stated, but they are implied in the hypothetical market which has already been described.\* He there makes two important assumptions: Firstly, that the man with the money will give it all for the ten commodities he desires to possess; secondly, that the money can be used for no purpose except the making of exchanges. Are these assumptions valid? Granted the hypothesis that the money can be used for no purpose except that of exchanging goods, does it follow that all the money would needs be exchanged against all the goods, and does such an hypothesis assist us to understand the actual case in which money can be and is used for other purposes than the making of exchanges?

In order to answer the first question we must consider the motives of the exchangers. Why should the man who holds the dodo bones (the form of money used by Mr. Nicholson in his illustration) pay them all out for the commodities he desires, and why should the possessors of the commodities demand all the dodo bones in exchange? If we assume that they all understand the nature of the process in which they are engaged, and that they really follow out their own self-interest, it is difficult to see why the owners of commodities should demand or the owner of the dodo bones should offer the entire supply in exchange. What the owners of commodities really desire is not dodo bones, but other commodities which the dodo bones will buy. A few will do the work of exchanging a given quantity of their commodities for a given quantity of the commodities which they desire as well as many, and better, because a few are more easily handled than many. The owner of the dodo bones will not find it in his interest to offer a large quantity instead of a small because the latter will buy just as many goods for him and bring him just as much profit as the latter. If we assume that the exchangers do not understand what they are about,

\*See above p. 41 *et. seq.*

we are all at sea. Whether under these circumstances all the money will be exchanged for all the commodities depends upon the success of the money holders in concealing from the holders of goods the amount of their money.

At first thought one might be tempted to believe that the existence of a money market supports Mr. Nicholson's contention that under the circumstances assumed all the money would be exchanged against all the goods. Dealers in money certainly gain nothing by hoarding their goods. It is only when they loan their funds that they make the profits which are the aim of their endeavors. By putting money out of their hands, instead of by keeping it do they get gain. But the desire of the money lenders to get rid of their money does not insure their power to get rid of it. That depends upon the willingness of people to borrow. The only encouragement which the lender can offer the borrower is a low rate of interest, but that inducement cannot succeed in the long run, unless there is a genuine demand for more goods to be consumed. The desire to borrow money is but another name for the desire for more capital for investment, and that desire in the long run must be based upon a demand for more goods for purposes of consumption. But the fact that more money may be brought into circulation on account of an increased demand for goods lends no support to the view that all the money will be put into circulation regardless of the quantity of commodities or of their demand for consumption; neither does it lend support to the quantity theory, unless to the mind of a person who is inclined to defend the proposition that the demand of the community for goods depends upon the quantity of money.

Is Mr. Nicholson's second hypothesis tenable? Has he a right to assume for the purpose of arguing this question, that any commodity could become standard money which is not useful for other purposes? In favor of such an assumption he might quote such authorities as Ricardo and Mill, and, indeed, all believers in the quantity theory; for if the

value of money is a function of its quantity, it is entirely independent of the value of the material from which coins are made and derived solely from its peculiar uses. It may be affirmed also with considerable plausibility, and possibly proved, that the demonstration of the proposition, that the value of standard coins is derived solely from their use for monetary purposes, would establish the truth of the quantity theory. It is surely difficult to see what, except the quantity of money in circulation, could determine the value of standard coins, if the value of the bullion from which they are made has nothing to do with it. Certain it is that by the proposition before us we may test the truth or falsity of the quantity theory. If it should chance to be true that the value of standard coins is, after all, practically identical with the value of the bullion of which they are composed, the quantity theory cannot stand, for the value of gold bullion does not depend upon the quantity of money in circulation, but upon the marginal utility of gold; and the marginal utility of gold, though influenced by its use for monetary purposes, is not solely dependent upon that use, or dependent upon it to such an extent that any one could affirm with even an approximation to accuracy that it was a function of the quantity of gold in circulation for monetary purposes.

It is impossible to trace back to its origin the notion that the value of standard coins is independent of the value of the bullion contained in them, but the evidence points to the conclusion that the notion originated in the failure of economists to clearly distinguish between the functions of a standard of values and that of a medium of exchange. At any rate we can best reach the truth regarding the proposition before us by a careful examination of the distinction between these two functions.

The necessity for a standard of values has been denied by President Walker, but we believe that Professor Jevons clearly demonstrated this necessity when he showed that

under conditions of pure barter a price-current would be required so cumbrous, expensive and imperfect as to render exchanges on any large scale practically impossible. Such a price-current, he showed, would needs contain an expression of the value of each commodity, bought and sold upon the markets, in terms of every other commodity. Now this particular difficulty of exchange by means of barter, the existence of which President Walker admits, can be avoided only by the acquisition of the habit of quoting the values of all commodities in terms of the same commodity. This becomes evident the moment one grasps the real nature of the difficulty. In a state of primitive barter each trader is familiar with a small number of exchange ratios, and he may express these upon occasion in any way he pleases. Very likely he may express them in terms of the particular commodity or service which is the object of his own special activity.

It would be mere chance if any large number of persons should express these ratios in terms of the same commodity or service, and it would certainly happen that in every community of any size several different methods of expressing exchange ratios would be in use. A merchant, therefore, who would make an intelligible price list would needs express the value of each commodity in terms either of every other commodity, or at least in terms of all commodities commonly used for the measurement of values in his neighborhood. It is equally clear that he could avoid this difficulty only when his customers had acquired the habit of expressing ratios of exchange in terms of some one commodity. The acquisition of this habit by a community is the acquisition of a standard of values. The commodity used for this purpose simply stands as one member in every expression of exchange ratios, and that service and that alone constitutes it a standard of values. One might object that the phrase "standard of values" does not properly describe such a service, but this objection would not alter in



the slightest degree the nature of this service or the necessity for it.\*

Admitting, then, the necessity for a standard of values in the sense described, the problem before us resolves itself into the question—could a community acquire the habit of quoting or describing the values of commodities in terms of something which is valueless? To ask the question is to answer it. One surely is not called upon to prove that a ratio of exchange could not be established between a valuable good and a commodity without value. Neither is it necessary to do more than to call attention to the fact that the history of monetary standards shows that only commodities of very high degree of utility and value have served their respective communities as standards.

The opinion has already been expressed that the failure of many people to grasp the simple truth that a standard of values is necessary, and that it must be a commodity of high utility and value for purposes of consumption is due to a failure to distinguish clearly and accurately between the functions of a standard and that of a medium of exchange. It is proper, therefore, that we should devote some space to a description of the real nature and service of a medium of exchange.

To this end, however, no extended analysis is needed. Professor Jevons and many other writers have clearly pointed out the difficulties of barter. Even among people who had become accustomed to quote the values of commodities in terms of a standard want of "coincidence" and of "means of subdivision" in exchanges might constitute insuperable

\* President Walker insists that only some means of expressing or denominating values are needed. The following are his words: "Articles are measured against each other in respect of their several values, and it is only necessary that there should be some common denominator in which the values, thus determined, may be expressed." "Money," p. 9. He does not carry his analysis far enough to reveal the fact that, until ratios of exchange have been established between all commodities and some one commodity, there is nothing to express or denominate. The establishment of some unit, such as a dollar, a franc, or a pound as the means of expressing or denominating values must follow the acquisition of a standard of values, but could not precede it, nor be a substitute for it.

obstacles to accurate and extensive business transactions. An early method of obviating these difficulties consisted in the making and denominating of coins fashioned out of the commodity which had become the standard of values. This was a most natural method of procedure. The commodity which had become the standard must have previously been an object of universal or nearly universal desire, and, on that account, more readily exchangeable than any other commodity. This being the case people naturally acquired the habit of frequently purchasing it for the purpose of hoarding, or for no other reason than because with it they could buy what they wanted more readily than with the article or articles they traded for it. When the standard commodity came to be used frequently and on a large scale, for this purpose, the need for putting it up in convenient and properly labelled packages must have speedily become apparent, and, wherever minerals constituted the standard, some method of coinage developed.

Other methods of securing "coincidence" and "means of subdivision" in exchanges, superior for many purposes to the one just described, have been discovered in modern times, and extensively employed. Instruments of credit,—such as banknotes, checks, drafts, bills of exchange, and many varieties of government paper, also book accounts,—are nowadays used for this purpose in all civilized countries. Coin is still circulated widely and in large quantities, but these other instrumentalities easily hold the supremacy as media of exchanges. It is possible, though by no means probable, that credit instruments may come to be exclusively used for currency purposes. In that case we should have a complete separation between the instrumentalities which serve in different countries as standards of value and those which serve as media of exchanges. Whether or not, however, such a separation ever takes place, the two functions will remain, as they ever have been, entirely distinct, and without any necessary connection each with the other. A

standard of values would be a useful thing even in a state of simple barter, and standards of more or less extended use have very likely existed in communities which lacked entirely a medium of exchange.

The fact that gold, which constitutes the standard of values in the most highly civilized nations of the world at the present time, is also used in large quantities as a medium of exchange involves important consequences, one of which is that its value is greater than it would be, if it were not so used, but it does not involve the consequence that its value as a standard is entirely or, necessarily even largely, determined by its use as a medium and, therefore, by the volume of the circulation. The use of gold as a standard does not affect its value in the slightest particular. It possessed high utility and great value before it ever became a standard, and it became a standard, and still remains such, largely because of its great value for purposes of ordinary consumption. Its use as a medium of exchange affects its value for the reason that, on this account, large quantities of it are withdrawn from its ordinary uses, and thus its marginal utility is raised. If less were used for this purpose more would be available for purposes of ordinary consumption, and its marginal utility would fall accordingly; if none were used for this purpose its marginal utility would fall to that point which the state of the need for gold for ordinary purposes of consumption, together with the supply, would determine. But it might perfectly well, even then, serve as a standard of values, and, as such, as one of the chief determinants of price.\*

If this view of the matter be correct, the true relation between the volume of the currency and prices is very different from that implied in the quantity theory. We may indicate it by supposing two possible cases, one of which

\*The study of the evolution and functions of standards of value has received slight attention from economists and historians. Some interesting suggestions on the subject may be found in Menger's "*Grundsätze der Volkswirtschaftslehre*," Cap. viii.

represents the actual situation at the present time. First, suppose that the currency consists solely of instruments of credit of various sorts, and that the only monetary use of gold is that of a standard of values; secondly, we will suppose—what is actually true at the present time—that the currency consists in part of gold and in part of instruments of credit, and that gold is also the standard of values.

Under the conditions assumed in the first case prices would represent the ratios between the marginal utility of, say 23.2 grains of gold, and the marginal utilities of the various commodities on the markets. Directly, the volume of the currency, composed entirely of credit instruments, would have no influence upon either the marginal utility of gold or the marginal utilities of the marketed commodities. Indirectly, its influence might be great on account of the fact that a convenient and adequate medium of exchange of some sort is essential to the present organization of industry, essential in the same sense as adequate protection of life and property, enforcement of contracts, the railroad system, and a dozen other features of our complicated industrial system. For example, if the credit system should entirely collapse, the business of exchange would temporarily stop, and, for the time being, prices would be annihilated, just as they might be if our railroad system should temporarily become useless. If the credit system should be seriously impaired, without being entirely destroyed, we would experience the price phenomena of a period of crisis, phenomena which do not follow any law, but which are the result of forced sales and of the lawless and spasmodic operations of terrorized debtors and creditors. Any necessary quantitative relation between the volume of the currency and prices, either in the period of confidence or of panic it would be impossible to establish.\*

\* The volume of the currency depends upon the extent of the division of labor, the size of markets, the magnitude of individual transactions, and many other circumstances as well as upon prices.

A community, which to a greater or less extent employs as a medium of exchange the commodity which serves as its standard of values, will be subject to the same kind of price fluctuations in time of crisis as was the community we have just considered. The fluctuations might not be so great or so serious, but they would be the same in kind, and would be produced by the same causes, and would be just as lawless in their operations. The connection between the volume of the currency and these fluctuations would be just as slight. In ordinary times, however, in this community the level of prices would be lower than in the first on account of the withdrawal of a quantity of gold from its ordinary uses in order to pass from hand to hand in exchange transactions. The extent to which such withdrawals would raise the marginal utility of gold and thus depress the level of prices would depend upon a variety of circumstances, namely, upon all those forces, partly subjective and partly objective, which at any particular time determine the state of the marginal need for gold. Inasmuch as these forces may vary in intensity, and be combined in different ways, it follows that the withdrawal of a given amount of gold at one time might not produce the same effect upon its marginal utility as it would at another time. For example, if fashion should suddenly turn against the use of gold plate and ornaments at the same time that additional quantities of this metal were being coined for currency purposes, the one force might offset the other, and since the marginal utility of gold would remain unchanged, the general level of prices would not be affected in the slightest degree. For the same reasons the level of prices might remain unchanged, if an increased need for gold for purposes of ordinary consumption were contemporaneous with the melting down of gold coins in large quantities. In like manner it would be easy to show that the marginal utility of gold, and with it the general level of prices, might fluctuate without any change having taken place in the volume of the currency or in general industrial conditions.

The conclusions at which we have arrived are not only not in harmony with the quantity theory, but in many cases are contradictory to it. According to that theory, so long as the number of exchanges and the rapidity of the circulation of money remain the same, nothing can affect the value of the unit, and with it the level of prices, except changes in the volume of the currency. Nothing can be clearer, however, than that the marginal utility of gold may and constantly does change in independence of any or all of these circumstances. If, therefore, it be true, as we have attempted to show, that as a standard of value, gold is a simple commodity, subject to precisely the same value-determining forces as other commodities, then the quantity theory is not true, and should no longer be made the basis of reasoning on monetary questions.

It is a common belief that the phenomena of irredeemable government paper constitutes an insuperable obstacle to the acceptance of the views set forth in this paper. It remains for us to show, therefore, that these phenomena may be clearly explained without recourse to the quantity theory.

To this end we must note first of all, that government paper money is always representative money. That is to say, a government note always has upon its face a statement of some sort. In this country it is usually a promise to pay to bearer a certain number of dollars. Conceivably such notes might bear upon their faces simply the figures 1 or 2, or 3, or 10, but these figures would needs be given some definite meaning before the notes would be useful for monetary purposes. The government might proclaim that "1" should mean one bushel of wheat, or one ton of hay, or one cord of wood, or one sheep, or one dollar, or any one of these things, or some combination of these things, but it could not leave the people in the dark regarding what it did mean. As a matter of fact, the figure "1" on a government note always means the unit of value whatever at the time and in the nation in question that may be. The figure "2"

means twice that unit, etc. In other words, a standard of values suitably denominated must exist in advance, and, in consequence, a level of prices be established to start with. We have already shown that without this, exchanges on a large scale could not be executed, and that a medium of exchange of any sort, let alone one of credit instruments, would be an impossibility. Experience, many times repeated in the history of modern nations, demonstrates that a trading community already in possession of a standard of values and with an established level of prices, can get on with a medium of exchange composed entirely of so-called irredeemable paper, and that, if the credit of the issuing government is first class, and if the notes are not issued in excess of the ability of the community to make profitable use of them as media of exchanges, that original level of prices may not be at all modified. If, on the contrary, the credit of the issuing government is not first class, or if the notes are issued in excess of the need for them for the purposes indicated, then the notes will depreciate, and the level of prices will rise to the extent of the depreciation. The phenomenon which is peculiar to irredeemable paper is that of depreciation, and whatever connection one might be able to discover between the volume of such paper and the extent of its depreciation, would throw no light upon the problem of that original level of prices from which all price changes due to the irredeemable currency started.

In regard to the causes of depreciation nothing need here be said except that the quantity theory is inadequate to account for them. The credit of the issuing government, the state of the public mind regarding the propriety of the issue, and the convenience of the business world are quite as potent as the quantity of the issues.

In closing it may not be out of place to indicate briefly the bearing of the present discussion upon the question of bimetallism. From the standpoint of the quantity theorists the chief issues of the present controversy are two: Firstly,

would national or international free coinage of silver at a fixed ratio permanently increase the volume of our currency, or at any rate, prevent further contraction; secondly, granted that it would have the former result, how would the consequent (according to the quantity theory) rise in prices affect debtors and creditors, farmers and laborers, professional men and other classes? If the views set forth in this paper are correct, the critical points of the controversy are the following: Firstly, would national or international free coinage at a fixed ratio change the standard of values of this country or of the world? If it would, then prices would fall in the degree that the value of  $412\frac{1}{2}$  grains of standard silver (supposing the ratio were 16 to 1) should prove to be less than that of 23.2 grains of gold, and this would happen whether the volume of currency remained stationary or were temporarily or permanently increased or diminished. Secondly, in case the standard of value were not changed, to what extent would silver be substituted for gold in the currency of this country or of the world, and to what extent would the marginal utility of gold be lowered by the quantity thus withdrawn from circulation and thrown upon the bullion market? The volume of the currency in this case as in the preceding, would be a matter of minor importance. If all the gold should be driven out of circulation, prices would probably rise considerably, while the volume of the currency might remain the same as before, or be increased or decreased. If only a part of the gold currency should be displaced, prices would rise in a less degree, while the volume of the currency, as in the other cases, would depend upon other circumstances and conditions. The truth is that the level of prices and the volume of the currency are not determined by the same influences, and it is largely a matter of coincidence if they chance to vary in reference to each other in the way indicated by the quantity theory.

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## POLITICAL AND MUNICIPAL LEGISLATION

IN 1896.

In the ANNALS for May, 1896,\* appeared an account of the more important laws relating to state and local government enacted by the various state legislatures in 1895. The present paper presents a similar review for 1896. Reference to the previous paper may be of convenience in interpreting the significance of the enactments of 1896, especially since in it mention was made of certain prominent tendencies of legislation in preceding years. The present report covers the legislative sessions of the six states where they are held annually—Massachusetts, New York, New Jersey, Rhode Island, South Carolina and Georgia (session of October to December, 1895); and of the eight states whose biennial sessions occur in even years—Maryland, Virginia, Ohio, Kentucky, Louisiana, Mississippi, Iowa and Utah. It was to be expected that fewer important acts should be adopted last year than in 1895, when thirty-nine legislative sessions took place. We have also to note, however, the large number of unusually important constitutional amendments which were voted upon in 1896, as well as the new constitutions of Utah and South Carolina which went into force last year.

The states whose legislation in 1896 was most noteworthy and progressive, especially if judged from the point of view of their own citizens, were probably New Jersey, Louisiana, Ohio and Utah. The Legislature of New Jersey had long been conspicuously corrupt and her statute-books teemed with laws not only perverse but confused and self-contradictory. Last year a step toward better things was signalized by the fact that the bulk of legislation as compared

\* Vol. vii, p. 411.

with preceding years was reduced one half and that common-sense improvements in the manner of phrasing and printing the laws were introduced. A complete revision by a special commission of the notoriously loose corporation laws, and simplifications of the municipal system, were the most important measures of the year. In Louisiana a municipal reform movement in New Orleans not merely captured the city government, but exercised such an influence in the legislature as to secure a vastly improved charter for the metropolis, as well as a secret ballot law and other progressive acts. The Ohio corrupt practices and land registration laws mark forward steps in legislation from the standpoint of the nation as a whole. Utah, on coming into the Union, adopted (at the November, 1895, election) a constitution which in its wide scope and its minuteness, as well as in its radical spirit, fairly outdoes any of the other elaborate constitutions recently adopted in western states. The fact that long articles are devoted to such subjects as labor, corporations, and trusts is typical of the general character of the document. The legislature has passed several interesting laws to carry out the injunctions laid upon it. The new South Carolina constitution, though not so radical, is scarcely less replete with provisions not properly coming under the scope of constitutional law. In Kentucky, the protracted and bitter senatorial contest limited the amount of legislation within exceedingly narrow bounds.

*Constitutional Amendments.\** The general result of the popular vote on the constitutional amendments submitted last year is worthy of notice. Frequent comment has been made upon the conservatism shown by the people in their action. As a matter of fact, out of fifty-seven separate amendments voted upon only twenty-four† met with approval, although the number rejected is swollen by the

\* The text of most of the constitutional amendments referred to will be found in the session laws of 1895, though some are in the laws of 1894 and 1896. Many of the citations were given in the writer's paper in the ANNALS of May, 1896.

† See foot note on page 61 concerning the Florida amendments,

fact that two states alone, Louisiana and Nebraska, defeated twenty-one. The striking instance of these states calls attention to an apparent characteristic manifested in these constitutional elections, which has received less notice, but which is perhaps more significant than popular conservatism, namely, the great lack of careful discrimination concerning the questions at issue. Several amendments presented at an election, although separately voted upon (as is almost universally required), are exceedingly likely to stand or fall together. Moreover, if we consider the action of any state on amendments for several successive years, there appears a sort of habit in the popular attitude toward them. In some states, perhaps because of general distrust of the legislature, the tradition is to vote in the negative on nearly all questions submitted; in other states the opposite tradition prevails. In 1896 Louisiana rejected eleven amendments,\* Nebraska ten, Missouri four, New York, Massachusetts, Illinois, Wisconsin, Colorado and Montana one each; Minnesota adopted six, Florida five,† South Dakota four,‡ Idaho three, Georgia two, and Washington one. Only in California do we find the people adopting one amendment and rejecting two, and in Texas adopting one and rejecting one. The several amendments thus meeting a like fate often vary greatly in character and intrinsic desirability. The interest centres about one or possibly two more important propositions and the others receive little independent consideration. This was beyond question the case in Louisiana

\*The Louisiana amendments covered a very large number of sections and made marked changes, but they were grouped according to general subjects into eleven propositions. The one relating to legislative powers especially contained several quite diverse provisions.

†Repeated inquiries of state officers, and of a newspaper office in Florida, have failed to secure information as to the fate of these amendments. I have judged that they were probably adopted, from the fact that in previous years amendments have been usually accepted by the people.

‡Some question was raised as to the legality of the vote in South Dakota, as a technical error in the form of the ballot had been made; but after the matter had been discussed some time, the secretary of state wrote (December 20) that the amendments were adopted, and made no qualifying comment.

last year, where the *crux* was the proposed requirement of an alternative property or educational qualification for the suffrage. The numerous amendments, which had been carefully prepared by a special commission, embraced such varying matters as the establishment of pensions for Confederate veterans, the authorization of borrowing by municipalities for parks, streets and bridges, the reorganization of certain courts, and many other subjects. The pressure for constitutional changes is still strong and the legislature, which met after the defeat of the amendments, has submitted to vote in 1898 the question of holding a convention. In Nebraska, amendments allowing the use of ballot machines and providing that five-sixths of the jury may render a verdict in civil cases, both of which would probably have succeeded if presented alone, fell along with several propositions which met disapproval doubtless because tending to increase the expense of government and the power of the legislature. The six amendments adopted in Minnesota and the four in South Dakota were perhaps all of a character more apt to appeal to the people, although in the latter state the repeal of the prohibition article largely distracted attention from the other questions. The several amendments in Oregon which had been proposed by the legislature of 1893 and approved by that of 1895, were none of them submitted to the people, the legislature having neglected, for some reason, to pass the necessary special act providing for an election to vote upon them. Delaware is now holding a constitutional convention.

*Suffrage.* Radical and conservative tendencies both found most noteworthy expression in the constitutional legislation of 1896. Not only did Utah, by her original constitution, follow the example of her neighbors, Colorado and Wyoming, in granting the ballot to women, but at the November election yet another adjoining state, Idaho, took the same course by a vote of about two to one. California, however, with all her radicalism, rejected woman suffrage; it is

claimed that the liquor interests considerably influenced the election. The current sessions of the legislature in Nevada and Oregon are to express their approval or disapproval of this same measure, as submitted to them two years ago. In view of the general inclination of the western states toward absolute democracy, the fact is noteworthy that Washington has followed the path marked out by California in 1894, in requiring ability to write one's name and to read the constitution as a qualification for voting. Minnesota has taken a conservative step in another direction and, by a vote in which the large foreign population is said to have generally favored the affirmative, has made citizenship a requirement for suffrage. Formerly aliens who had lived one year in the United States could vote on declaring their intention to become naturalized. Utah also adopted the citizenship qualification. A much shorter step was taken in Texas where the people approved an amendment requiring the declaration of intention to become a citizen, which could previously be made on the very eve of voting, to be filed six months before election. In Montana, however, where citizenship is already required, the proposition to require naturalization three months before election was rejected.

In the South the negro question is of course at the bottom of the movement for restricted suffrage. The South Carolina constitutional convention which met in the last months of 1895 adopted a measure which disfranchised a very considerable proportion of the colored and "poor white" population. Not only is the requirement as to voting residence high—two years in the state, one in the county, four months in the election district; not only is the payment of a poll-tax six months before election necessary; but after January 1, 1898, no one can become an elector unless he can both read and write a section of the constitution, or else has paid taxes on \$300 worth of property. Provision is made, however, for granting the franchise permanently (subject to the

poll-tax requirement) to such as prior to 1898 register and show themselves able either to read a section of the constitution or "to understand and explain it when read;" but evidently the interpretation of election officers as to what constitutes understanding and explaining is apt to be a very adjustable one. Following the precedent set by the Mississippi constitutional convention of 1890, this South Carolina constitution was promulgated without popular vote, a course that could be legally pursued under the constitution of 1868. Had it been voted upon, the same lot would doubtless have awaited the constitution as in May, 1896, befell the amendment in Louisiana which proposed almost precisely the same restrictions on the ballot.

*Elections and Corrupt Practices.* Two more states adopted the Australian ballot system in 1896, Louisiana and Utah. Both require the arrangement of candidates' names to be alphabetic under each office, a method tending to disfranchise illiterates in such a state as Louisiana. These same states likewise for the first time provide for registration, which is required biennially of all electors. In Utah, a house to house canvass is to be made, doubtless for the convenience of women voters. Maryland and New York have revised their election laws, but without important innovations. The vote of California on the constitutional amendment allowing the use of ballot machines was affirmative, but, probably for the reasons already suggested, the same proposition was rejected in Nebraska. Massachusetts extends her law so that the McTammany machine may be used by cities and towns for state as well as local elections; and even goes a step farther than New York had done by providing that the state shall pay for the machines when local authorities adopt them, although for 1896 the number so to be furnished was limited to fifty. At the November election some difficulty was experienced in a few cases where the system was employed, owing to ignorance or to imperfection in the machines; but in general they gave marked satisfac-

tion, especially in the cities of Rochester and Worcester where they received trial on a larger scale than ever before.

The past year added two more to the steadily growing list of states (now numbering fifteen) that have adopted more or less satisfactory corrupt practices acts. The law passed in Utah is comparatively rudimentary, copying closely the original New York act of 1890, with the bare requirement that candidates and committees report their election expenditures. In Ohio, on the other hand, the new statute assimilates the most desirable features of all the laws heretofore passed in the United States, and advances beyond them. The laws of Missouri and Minnesota are most nearly followed, but the limit of candidates' expenditures is placed at lower figures—not more than \$100 where the election is to be by 5000 voters or less, and not more than \$650 in any case whatever. Moreover, there is a new provision requiring a statement of their expenditures by all candidates for nomination, to be made before the election. Somewhat as in Massachusetts, minute regulations are laid down concerning the accounts of political committees and of those acting for them or independently disbursing money in the campaign. The act contains, however, no definition of legitimate and illegitimate payments.

*State Officers and Legislature.* As has been intimated, several important constitutional provisions relating to state officers and the legislature were rejected by popular vote in 1896. Thus in Massachusetts the second attempt within five years to introduce biennial instead of annual elections and biennial legislative sessions was defeated by a majority of nearly two-thirds. In Illinois the effort, vainly made at least once before, to secure to the legislature the right to propose constitutional amendments more numerous and frequently, was again defeated. It is almost impossible for Illinois to amend her constitution at all in face of the requirement that the favoring vote shall equal a majority of all the ballots cast for state officers. Defeat likewise befell

the several amendments in Nebraska allowing the legislature, by two-thirds vote, to establish intermediate courts, to increase the number of supreme and circuit court judges, to establish additional executive officers, and not oftener than once in four years to increase the salaries of such judges and officers. Whatever may be said regarding the wisdom of the restriction of legislative power in these last two instances, there can be no doubt as to the advantage of the new provision in South Carolina's constitution, which, following a precedent much less general in the South than in the North, prohibits special and local legislation. Private acts were formerly very numerous in this state. It is needless to add that Utah has placed a similar provision in her constitution.

Georgia adopted a constitutional amendment in 1896 increasing the number of supreme court judges from four to six, allowing them to sit in two divisions, and providing that they shall be elected by the people instead of being appointed. State civil service reform, which progresses but slowly as compared with other movements, made its only advance last year in Maryland, where a constitutional amendment establishing the examination system was submitted to the people at the election of 1897. The Massachusetts law for the preference of veterans in appointments, despite strong criticism made upon it, was further extended in 1896; department heads may now at their discretion appoint veterans without any examination, and must appoint those who have passed examination regardless of their relative rank. Ohio has likewise enacted that soldiers must be preferred in local civil service.

*Local Government generally.* In Utah a general system of county and township government was adopted in 1896, following the line of the numerous western states having the commissioner organization. In the territorial days the county court system was in vogue. A curious provision, enacted in Mississippi, requires that all county officers shall



attend the first charge of the county judge to the grand jury, and that the judge shall briefly instruct them on their duties.

New Jersey's system of municipal government has long been in a most confused and corrupt condition. The practice of legislating out of office has nowhere been so common. It is perhaps owing to the exceeding density of the population in the northern counties that the legislature, forbidden by constitution to enact special laws for municipalities, has provided so many general incorporation laws. Most states have, aside from townships, only cities and one other class of municipalities, variously called towns, villages or boroughs. New Jersey has not merely four classes of cities, but also towns, villages, boroughs and borough commissions, while her townships are in many cases given organization and powers quite similar to those of higher grades of municipalities. Moreover, several general laws, presenting considerable differences, exist side by side for the government of almost every one of these classes. Countless additional acts on special subjects have been passed, and as these have seldom specifically amended or repealed former enactments, a great mass of undigested and inconsistent legislation has accumulated, under which municipalities often stand on a very precarious legal footing. A marked change in all this will be effected by a law of 1896 which requires a special act of the legislature to authorize the incorporation of each municipality, although they are to be governed by general laws. While a more desirable reform would be a revision of those general laws themselves, till such a change is made the new practice will probably prevent some abuses. A start in the more needed movement was made last year by the repeal of all the acts for the government of boroughs and borough commissions, except that of 1878, under which all are required to reincorporate.

In Minnesota the very important constitutional amendment relating to city charters received popular approval at

the last election. This measure provides, it will be remembered, that when it is desired to organize a village into a city or to reorganize a city, the district court shall appoint a board of fifteen freeholders, residents of the municipality for at least five years, to draft a charter. This, if the people favor it by a four-sevenths majority, becomes law. The charter board is to be a permanent body; amendments proposed by it from time to time require three-fifths of the popular vote for ratification. The legislature is authorized to pass general laws paramount to local charters, but these may be of only three classes, applying to cities of more than 50,000, 15,000 to 50,000, and less than 15,000 respectively. The amendment further provides that the city council may consist of one or two bodies, but that if there be two the members of one must be elected by the entire city. This "California" system of home-rule for municipalities has found somewhat unexpected favor in Louisiana, where an act of 1896 prescribes that whenever a majority of the property owners in any city or town shall frame and petition for the adoption of a new charter, an election must be held, at which a majority vote will suffice to put it into force.

The South Carolina Legislature last year made a beginning in the general municipal legislation demanded by the new constitution, adopting acts, not in themselves of special consequence, for the government of villages of two classes. The New York Legislature failed to take action on the bills for general laws regulating second and third class cities, submitted by special commissions established for the purpose.

Two acts of 1896, though local in nature, deserve attention—the Greater New York law and the New Orleans charter. The former measure declared New York, Brooklyn and other smaller municipalities in Kings and Richmond counties to be consolidated, the act to take effect January 1, 1898. Meantime a commission of fifteen members was to prepare a charter for presentation to the legislature of 1897. This Greater New York bill, after its first passage, was

submitted to the mayors of New York and Brooklyn who, after prolonged hearings, both disapproved it. They maintained that, while doubtless a majority, though scarcely a large one, of the citizens of the proposed metropolis desired consolidation, the people were not generally in favor of uniting first and deciding on a frame of government afterward, especially if such a body as sits in Albany should have an indefinite part in that decision. After an exciting struggle in which the party whip was applied vigorously the legislature repassed the bill in spite of this double veto. It is almost impossible to foretell the nature of the charter that will ultimately be adopted, nor is it even certain that any act will be passed at the session now being held.

The new charter of New Orleans, while not entirely readjusting the relations of powers, tends to increase the authority of the mayor. Two important department heads formerly elected by the people are to be appointed by him, with consent of the city council. Certain other officers, formerly chosen by the council, are to be named by the mayor, subject to confirmation. The council no longer has the power of summary removal. The most notable feature of the act is that it embodies, almost word for word, the stringent provisions of the Illinois municipal civil service law, adopted by Chicago in 1895.\* Another article requires that all ordinances granting franchises shall, after passing the council, be submitted to a board consisting of five chief executive officers, the concurrence of four of whom is necessary to approve the measure. Street railway, lighting and other important franchises must furthermore be offered at auction to the highest bidder. The forward civic movement in New Orleans is also signalized by the establishment of a commission to undertake the immensely difficult task of draining the city. The issue of \$5,000,000 of bonds is authorized.

\* See *ANNALS*, Vol. vii, p. 422, May, 1896.

*Special Municipal Legislation.* The system of assessments to cover the cost of local improvements, so universally popular in the North, has been somewhat slower in winning its way in the southern states. In Virginia some of the many special municipal charters formerly authorized local assessments, but a law of 1896 first allows all cities and towns to make use of this method. South Carolina last year joined the numerous states which authorize municipalities to erect lighting and water plants. In South Dakota a constitutional amendment was adopted extending the debt limit of all local authorities for the purpose of supplying water for irrigation or domestic use. A rather strict limitation upon the granting of street railway franchises is that established by Louisiana, where a popular vote is requisite in cities and towns of less than 10,000 population. Ohio has partially followed the example set by Missouri in 1895, enacting that upon the consolidation of street railways the city or village may limit the fare over the entire line to five cents, with special rates for school children, may require a system of transfers, and may, moreover, every fifteen years, readjust the rates of fare and the percentages to be paid for the privilege. Amendments of interest were made in New York to the act of 1891 providing for an underground railway in the metropolis. The matter is dragging along very slowly, owing largely to the fear that should the city itself undertake to construct the system its debt would be carried beyond the constitutional limit. The too long delayed movement to restrict the height of buildings in cities is making some slight progress. Massachusetts, which already, in 1892, fixed 125 feet as the maximum for buildings in Boston, has now provided that along parks and boulevards in any city or town the height may not exceed 70 feet, and may be further limited by municipal ordinance. Considerable agitation on the subject is being made in New York.

*General Legislation.* Without going into such detail as we have done with legislation directly affecting municipal

and political affairs, it may be of interest to refer briefly to a few other noteworthy acts of 1896.

Of special importance is the Torrens land registration law of Ohio. This is not, as was the Illinois act of 1895, a local option measure, but every county is required to furnish the necessary books so that whoever wishes may have his land entered. The Illinois statute has meantime been declared unconstitutional by the supreme court. The general principle is not impeached, but certain provisions, notably that giving powers of a judicial nature to the county recorder, are criticised. This last difficulty was avoided by the Ohio Legislature, which turned over to the courts the primary determination as to the validity of the land titles. Utah and Maryland have established commissions to investigate this subject; Massachusetts continues to postpone action on the report of her commissioners. Two states, Ohio and South Carolina, have taken what, on their face, promise to be the first really effective measures to prevent lynching. These acts provide that officers in any way conniving shall be summarily removed and disqualified for any public position. They grant to the person injured by a mob, or to his heirs, a right of action for damages against the county, whether the officers are culpable or not, and the county may recover such damages from persons participating in the affair. Georgia has adopted a less satisfactory law designed to check this evil.

In connection with the repeal in South Dakota of the article of the constitution prohibiting the sale of liquor, may be noted the fact that the Iowa Legislature of 1896 refused to approve the prohibition amendment proposed by its predecessor in 1894, or to modify the present anomalous system. The new Raines liquor law in New York transfers the power to grant licenses from the local authorities to a state department, increases the rates, and provides that a considerable proportion of the revenue from this source (amounting to about \$4,000,000 for the first year)

shall go to the state. The act also authorizes township local option.

Utah and South Carolina have reorganized their public school systems, while the department of education in New York City has been remodeled with decided improvements. New York extends further the provision allowing the instruction of pupils at the expense of their home districts in the schools of other districts having better facilities, and following the lead of Massachusetts allows the cost of their conveyance to and fro to be a public charge. Iowa and New York have authorized any school district to establish free kindergartens, a measure previously adopted in three or four states. Kentucky has enacted her first compulsory education law.

Among the many improvements in the corporation laws of New Jersey are the new requirements that at least one director shall reside in the state and that the chief office must be located there. It will no longer be so easy to make New Jersey the legal home of countless more or less reputable corporations that never transact a stroke of business in the state. South Carolina and Utah have also revised their corporation laws. In California the attempt to amend the constitution so as to limit the liability of stockholders to the face value of their stock was defeated by the people.

The new tax law of Maryland introduces the system of listing personal property. Mortgages are to be specially taxed by the state at eight per cent on the amount of their interest, with special safeguards to prevent shifting to the mortgagor. An apparently rather impractical provision of this act, that bonds and stocks should be assessed to the general property tax in precise proportion to their nominal rate of interest, was amended by another law, approved on the same day as the first, so as to make such securities assessable at their actual value in the market. Virginia and Iowa join the dozen or more states having the collateral inheritance tax; in each case five per cent is imposed, but

in Iowa estates of less than \$1000 are exempt. Ohio, which has been very conservative in adopting new forms of taxation, has levied a tax of one-half of one per cent on the gross earnings of light, water, pipe-line and railway companies. In Minnesota a constitutional amendment was adopted authorizing special modes of taxing various corporations; the tax may be progressive.

In New York the contract system of prison labor was prohibited. Prisoners are to manufacture articles exclusively for use in other state institutions. Ohio also established a commission to further the distribution of prison-made products to other institutions. Kentucky which, like other southern states, has been backward in the treatment of criminals, establishes reform schools for boys and for girls. South Carolina's new constitution contained several sections relating to railways, and acts putting these into effect were passed by the legislature. Perhaps the most important limits first-class passenger fares to  $3\frac{1}{4}$  cents and second-class fares to  $2\frac{3}{4}$  cents.

E. DANA DURAND.

*New York State Library.*

## PERSONAL NOTES.

### AMERICA.

**Boston.**—Dr. Francis A. Walker, the eminent economist, President of the Massachusetts Institute of Technology, died at his home in Boston, January 5, 1897. A sketch of his life appeared in the *ANNALS*\* for September, 1892, on the occasion of his appointment as delegate of the United States to the International Monetary Conference, at Brussels. It should be noted that he declined the appointment. In the years which intervened between 1892 and his death, Dr. Walker was the recipient of additional academic honors, the degree of LL. D. having been conferred upon him by the University of Edinburgh and that of Ph.D. by the University of Halle in 1894. In 1895 the International Statistical Institute added a third vice-president to its list of officers, and elected President Walker to fill the place. To the last years of his life we owe quite a number of vigorous articles in magazines and periodicals, and his work "International Bimetallism," published in 1896. His personality is remembered elsewhere in this issue of the *ANNALS*, and it is hoped at a later day to present an estimate of his pre-eminent services to the cause of economics in America.

**Rollins College.**—Rev. George Morgan Ward has been elected President of Rollins College (Florida), and appointed Professor of Political Economy and Law in that institution. Professor Ward was born May 23, 1859, at Lowell, Mass. He studied at Harvard College from 1877 to 1879, and at Dartmouth College from 1880 to 1882, receiving the degree of A. B. from Dartmouth in 1882. He also received the degrees of A. M. from Dartmouth in 1885, LL. B. from Boston University Law School in 1886, and B. D. from Andover Theological Seminary in 1896. Mr. Ward was admitted to the Massachusetts Bar in 1885. From 1885 to 1889 he was editor of the *Golden Rule*; from 1892 to 1895 he studied at the Andover Theological Seminary, and in the winter of 1895 engaged in post-graduate work at Johns Hopkins University.

**University of Pennsylvania.**—Dr. James T. Young was appointed in September last, Instructor in Administration at the University of Pennsylvania. He was born in Philadelphia September 23, 1873, and obtained his early education in the public schools of that city. He attended the University of Pennsylvania, where in 1893 he received

\* See *ANNALS*, Vol. iii, p. 233.



the degree of Ph. B. After pursuing graduate work abroad at the Universities of Berlin, Berne and Halle, he took the degree of Ph. D. at the latter institution in 1895, and spent some time in further study at Paris. Dr. Young is a member of the International Association for Comparative Economics and Jurisprudence of Berlin, and of the American Economic Association. He has written :

*"Der Staatsdienst in Deutschland, der Schweiz und den Vereinigten Staaten."* Pp. 134. Halle, 1896.

**Ursinus College.**—Dr. William C. Mains was, in September last, appointed Professor of History and Political Science at Ursinus College, Collegeville, Pa. He was born at Mexico, Oswego County, N. Y., September 3, 1871, and was prepared for college at the Adelphi Academy, Brooklyn, N. Y. He entered the New York University in 1888, and received the degree of A. B. in 1892. After graduation he remained a year at New York University, holding the Classical Fellowship. In the year 1893-94 he was Professor of History and Political Science at the University of Denver, Colo. He then went abroad and after spending two years at the Universities of Berlin and Halle, he received in 1896 the degree of Ph. D. at the latter. Dr. Mains is a member of the American Economic Association and of the American Academy of Political and Social Science. He has written:

*"Die Sociale Thätigkeit der Heils-Armee im dunkelsten England."* Pp. 41. Halle, 1896.

## BOOK DEPARTMENT.

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### NOTES.

ONE OF THE LATEST short French histories is from the pen of Mr. George Burton Adams.\* Into 345 pages the author condenses a very clear and fairly well balanced account of the development of the French nation from the time of the Frankish conquest to our own day. During the great part of this period the history of France was vitally connected with the history of Europe, and this fact has forced the writer to condense into even briefer space his account of things French in order to incorporate in his book some mention of the events of European importance, in the light of which French history is alone comprehensible. Considering the limitations which the treatment of the book imposed upon the author, this last volume is an excellent contribution to that class of literature which appeals to the superficial general reader rather than to the serious student.

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M. GOMEL, WHOSE "History of the Financial Causes of the French Revolution" was so favorably received a few years ago, has added another volume† to his series, detailing the financial history of the Constituant Assembly during the year 1789. The chief contention of the author in this volume is that lack of able leadership was a more potent cause in bringing about the violent revolution which soon developed, than any of the circumstances which made some change in the political and social organization of France necessary. His sketch of the financial heresies which were rife in France during the first year of the Revolution adds very little to our knowledge of the period, but has the merit of bringing together in concise form much information that was widely scattered in other histories. The author's tone in criticising men and measures is perhaps a little too severe and does not take sufficient account of the trying times about which he is writing.

\* *Growth of the French Nation*. By GEORGE BURTON ADAMS. Chautauqua Reading Circle Literature. Pp. 345. Price, \$1.50. Meadville: Flood & Vincent, 1896.

† *Histoire financière de l'Assemblée Constituante*. By CHARLES GOMEL. Vol. I, 1789. Pp. xxxv, 565. Paris: Guillaumin et Cie, 1896.

THE LATEST ADDITIONS to the convenient series, entitled *Petite Bibliothèque Économique*, are volumes containing biographical notices and extracts from the works of Quesnay and Léon Say. The first\* is edited by M. Yves Guyot, and the last† by M. J. Chailley-Bert, the editor of the series. Like previous volumes these two works make no pretensions to originality. M. Guyot gives, in his "Introduction," a very complete account of Quesnay's life and writings and a very just estimate of his importance as an economist.

In addition to the well-known "*Analyse du tableau économique*" and "*Maximes générales*," he has reprinted Quesnay's less known essay on "*Le droit naturel*," which contains some hint of the general philosophical scheme which lay back of his economic system.

The selection of materials for the volume on Léon Say, a bibliography of whose writings covers twenty finely printed pages at the end of the book, offered a problem of greater difficulty. The editor has contented himself with reprinting five of Say's articles on public finance and summarizing the latter's views on other economic questions in his "Introduction." Born in 1826, Léon Say belonged to that group of statesmen who felt a personal responsibility for the success of the French Republic. It would be difficult to overestimate his services to France as citizen, statesman and author. In describing them M. Chailley-Bert is at once appreciative and critical. He writes as pupil and friend and not merely as a fellow economist. To American readers the last selection in the book, on the "tariff," will prove most interesting, since it contains an elaborate defence of free trade from a non-English point of view.

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IN THE FIRST "*Rapport de l'Administration des Monnaies et Médailles*," the French government has published a document of interest to students of the monetary situation. The publication is in part a fulfillment of the terms of the treaty forming the Latin Union, one of whose articles provides that the French government shall publish from time to time documents relative to the production, commerce, coinage, etc., of the precious metals. Hitherto this duty has been somewhat neglected but in deference to the representations of the other governments and to the wishes expressed at the meeting of the International Statistical Institute in Berne in 1895, the French government has decided upon the issue of an annual report similar in many respects to the documents published by the director of the

\* *Quesnay et la Physiocratie*. By YVES GUYOT. Pp. lxxix, 99. Price, 2 fr. 50. Paris: Guillaumin et Cie, 1896.

† *Léon Say; Finances publiques Liberté du Commerce*. By J. CHAILLEY-BERT. Pp. xlv, 280. Price, 2 fr. 50. Paris: Guillaumin et Cie, 1896.

United States mint. The distinguished economist, Mr. Alfred de Foville, is at present director of the French mint and this is a guarantee that the publications are to be placed upon a scientific basis. The present report, in three parts, deals with the monetary phenomena of France, of the other nations of the Latin Union, and finally with the other countries of the earth. Statistical tables occupy a large part of the work. After giving in great detail the statistics of France, we find for other nations a statement of the monetary system, of the coinage of recent years, the exportation and importation of the precious metals and so far as practicable their industrial and artistic consumption, and finally a valuation of the existing monetary stock. The final tables are a summary for the year of the facts given in the preceding tables. The author in his general tables draws largely upon the "Report of the Director of the Mint," though in the future the facts will be determined as they are for the year 1895, directly by the French office. The report is a valuable contribution to our knowledge of monetary conditions and will at once take a place for monetary students beside the publications of our own and the British mint.

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THE REPORT OF THE United States Commissioner of Navigation for 1896\* is a valuable document written in the vigorous style which has characterized previous reports. The Commissioner repeats the recommendation, so ably supported in last year's report, that vessels of foreign construction be admitted to American registry and suggests a Congressional committee to inquire into the effects of the present prohibition in keeping down our carrying trade on the Pacific. Great Britain and Japan are rapidly increasing their trade on the Pacific, while we seem to be making very little headway. Pending this Congressional inquiry, the Commissioner recommends that the act of May 10, 1892, in accordance with which the "Paris" and "New York" were admitted to American registry, be so modified as to permit other foreign-built ships of lighter tonnage and slower speed to be admitted to registration under the American flag. The Commissioner would place only three conditions upon the admission of foreign-built vessels: That an equivalent tonnage be constructed in American shipyards; that American ownership of the foreign vessel be established; and, that foreign-built ships thus admitted be prohibited from engaging in the coasting trade of the United States.

The Commissioner also renews his recommendation concerning the concentration of the various marine bureaus of the United States government, under the supervision of an Assistant Secretary of the

\* *Report of the Commissioner of Navigation to the Secretary of the Treasury, 1896.* Pp. 233. Washington: Government Printing Office, 1896.

Treasury. At present, the Bureau of Navigation, the Marine Hospital Service, the Bureau of Immigration, the Light House Board, the Revenue Cutter Service, the Steam Boat Inspection Service and Life Saving Service are independent of each other and are under the supervision of three assistant secretaries of the Treasury. The result of this distribution is, that in many matters it is very difficult for the marine bureaus to co-operate because there is no single person short of the Secretary of the Treasury, through whom concurrent action can be secured.

The most prominent feature of the report is the extended argument made by the Commissioner against discriminating duties. The prominent place given to this question by the political conventions in seventeen states and by the National Republican Convention, induced the Commissioner to set forth as fully and as clearly as might be done, the arguments against the revival of such duties. The more important conclusions reached by the Commissioner, are: That "reciprocity has always been the policy of the United States," and that "discrimination was resorted to only in retaliation for discrimination by other nations against our shipping;" that "the increase in our shipping from 1789 to the war of 1812 was due to foreign wars and our position as a neutral power," that "our share in our own carrying trade from 1816 to 1831 remained practically the same, varying 2 or 3 per cent from year to year as does any commercial business;" that "our growth as a maritime nation was between 1820 and 1860 under the policy of reciprocity;" that "we increased our tonnage for foreign trade at more than double the rate at which Great Britain's tonnage increased; we increased our share of Great Britain's general carrying trade, while her own share was reduced; we controlled more than three-fifths of the direct carrying trade between the United States and Great Britain, we equaled Great Britain in tonnage built." The Commissioner contends that our present condition as a maritime power is due "in a large degree to the damage actually done to our foreign trade by the civil war, and to the refusal to allow 800,000 tons of American-built vessels, sold to foreigners during the war, to return to the land of their builders and their original flag." Among other causes cited, is the change from wooden vessels to iron and steel ones, which for a considerable period Great Britain could produce more cheaply than we.

The most important part of the appendix of the report is that in which the reciprocity articles of the treaties of the United States with foreign nations are given. The volume is one that does credit to the Bureau of Navigation and merits the careful perusal of every one interested in the promotion of the carrying trade of the United States.

THE REPORT OF THE Interstate Commerce Commission for 1896\* contains an excellent review of the progress of federal regulation of railway transportation during a year marked by judicial decisions of exceptional significance. By the decision of the Supreme Court in the Import Rate Case, the Interstate Commerce Commission *vs.* the Texas & Pacific, announced March 30, 1896, the court refused to enforce an order of the Commission prohibiting the Texas & Pacific, and other companies, from charging a lower rate on imported than on domestic goods. The Commission greatly regrets this decision and believes it "opens the door to manifold and unjust abuses" that can be excluded only by an amendment to the Interstate Commerce Act.

The decision of the Supreme Court in the Social Circle Case, the Interstate Commerce Commission *vs.* the Cincinnati, New Orleans & Texas Pacific Railway Co., *et al.*, also rendered March 30, 1896, was hardly less important than the decision in the Import Rate Case, and likewise makes desirable an amendment to the act for the regulation of railroads. In one point the court strengthened the regulative power of the Commission by declaring that "line" as used in section four of the act refers to the continuous line formed by connecting carriers for the movement of interstate traffic and not to the several parts thereof owned by the individual carriers; but in another part of the decision the court overruled the contention of the Commission that it has not only the negative power of declaring a rate charged by a railroad to be unreasonable, but also the positive power of naming the rate that is reasonable. The language of the court was such, however, that the Commission still has hopes of establishing its power to fix maximum rates under the present act.† To place the power of the Commission beyond question it recommended that Congress amend the law and definitely give the Commission power to prescribe what is lawful in respect to "rates, fares, charges, facilities or practices."

By the decision of the Supreme Court, March 23, 1896, in the Brown Case, the ability of the Commission and the courts to compel witnesses to testify was fully established, and the power of the Commission to investigate made as complete as the framers of the act of 1887 intended.

To the discussion of these three decisions a third of the report is given. Another third of the report is occupied with a review of the work of the Commission during the year, ten pages being given to an account of its investigation of grain rates at Missouri River points.

\* *Tenth Annual Report of the Interstate Commerce Commission*, December 1, 1896. Pp. 117. Washington: Government Printing Office, 1896.

† Cf. ANNALS, January, 1897, p. 107.

This investigation revealed the existence of many objectionable practices and discriminating rates, due for the most part to the conditions of competition under which the grain carrying was being done. The reorganized Western Traffic Association is now trying to terminate the worst forms of discrimination.

The report contains among other things of interest a discussion of railway associations and traffic agreements, and an outline of the organization and work of the railway departments for the relief and insurance of employes.

The four more important of the nine amendments that the Commission recommends Congress to make to the Interstate Commerce Law are (1) That the procedure of the courts in enforcing orders of the Commission shall be confined to the record made up of the testimony taken and proceedings had before the Commission; (2) That when the Commission, after giving the carriers concerned a full hearing, "has determined what is unlawful, it shall be its duty to prescribe what is lawful in respect to" rates, etc.; (3) That the Commission be given the power to prescribe a uniform classification of freight; and (4) That a cumulative fine be imposed on carriers that neglect to submit their annual report by September 15.

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THE LAST VOLUME of the new revised edition of Villari's "*Machiavelli*" \* has appeared. There are, as in the preceding volumes, few changes except in detail. Some new documents have been added in the appendix, notably some of the letters of Acciaiuoli, the representative of Clement VII and of Florence in France in the year 1526.

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#### REVIEWS.

*The Historical Development of Modern Europe from the Congress of Vienna to the Present Time.* BY CHARLES M. ANDREWS, Associate Professor of History in Bryn Mawr College. Vol. I, 1815-1850, Pp. 457. Price, \$2.50. New York: G. P. Putnam's Sons, 1896.

The historian may, as Horace says of the poet, aim primarily either to please or to instruct his readers, for history may be conceived in two radically different ways. It may be looked upon as an account of the conspicuous and picturesque events of the past, with little regard to their real significance, or it may be viewed as the attempt to discern the fundamentally important, but often quite obscure and gradual movements that have made for progress. I do not know that I have ever seen so long an historical treatise as that of Dr. Andrews,

\**Niccolò Machiavelli e i suoi Tempi illustrati con nuovi Documenti.* By PASQUALE VILLARI, 2d Edition, revised and corrected by the author, Vol. iii, Pp. 578. Price of complete work, 15 lire. Milan: U. Hoepli, 1897.

which adhered more consciously and consistently to the second ideal. His work belongs to the same class as, Lamprecht's "*Deutsche Geschichte*," a type of book which is characteristic of an essentially modern and scientific conception of history.

While Dr. Andrews makes no claims to have based any considerable portion of his treatise upon original sources, he is eminently fitted by scholarly training in the use of historical material to exploit, for the benefit of the English reading public, the results reached by the ablest continental investigators.

The difficulty of presenting in a clear and concise form the essential elements of the rapid and complex changes in a half a dozen of the great states of Europe during the past seventy-five years, is so great that any one who solves the problem with even a tolerable measure of success deserves our respect. Yet, measured by the standard of conciseness, skillful arrangement, true perspective and philosophic grasp, Dr. Andrews' treatment furnishes not only an admirable account of the period, but is the best account we possess. Fyffe's "Modern Europe," in spite of qualities which endear it to many of us, is sadly wanting in proportion and symmetry and is often confused, if not inaccurate. It is not necessary to speak of such works as Bulle's "*Geschichte der neuesten Zeit*," for although perhaps the most careful and detailed account of the period it would for obvious reasons rarely come into the hands of American or English readers, nor would it satisfy their needs, if it were available.

Dr. Andrews has chosen, and upon very good grounds, to arrange his work, not chronologically, but with a regard to the course of national and of international currents of change. His arrangement is skillful, and I believe on the whole original. After a very judicious introductory résumé of the Revolutionary and Napoleonic period up to the departure of Napoleon for Elba, the author devotes a chapter to Europe during the thirty or forty years succeeding the First Peace of Paris. This insures a continuity which is too often sacrificed by an artificial break made by historical writers, at the close of the Congress of Vienna. The period of European concert, as expressed in the reconstruction of Europe and the theory of *Intervention*, is thus regarded, as it should be, as a whole. A second advantage is derived from this method of treatment since it is possible to deal with the relations of the central European states to the outlying countries of Spain, Greece, Poland, Hungary, etc., which cannot well be considered by themselves. This chapter thus best subserves the interests of the reader, while it leaves the writer free to take up in separate chapters the internal changes in France, Germany and Italy previous to 1848. The revolutionary



movements of 1848-49 tax every power of the historian, for it is necessary to show the constant interdependence of a dozen intricate political, constitutional, military and national movements, each with its own peculiar antecedents and characteristics. Dr. Andrews, after disposing of the most independent of the movements, that in France, cleverly chooses Vienna as the unifying element in the course of affairs, not only in Austria but in Germany and Italy as well. In this way he brings together in perhaps their truest relations, a series of divergent and independent events, which were, however, far too intimately associated to be treated by themselves.

The peculiar excellences of Dr. Andrews' book, imply, however, some drawbacks. Its strictly logical order and studious regard for the essential will preclude, it is to be feared, any except the rather experienced reader from deriving from it what he should. He must already be somewhat familiar with the externals at least of the history of modern Europe, not because these are necessary to *understand* Professor Andrews' eminently clear and philosophical presentation, but because they serve to illustrate, reinforce and give concreteness to rather abstract statements, which will otherwise scarcely sink into the memory. The writer has, in short, done his work so completely that the mind of the reader is not aroused to the activity which leaves a lasting impression. All that is said, for example, of the "July days" is said between commas, or by way of parenthesis. Fyffe, on the other hand, and it is his great merit, uses the events to illustrate tendencies and conditions. If we would do the greatest number of readers the greatest possible good we must not altogether divorce the important from the picturesque.

*"Omne tulit punctum qui miscuit utile dulci."*

JAMES HARVEY ROBINSON.

Columbia University.

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*The United States of America, 1765-1865.* By EDWARD CHANNING, PH. D. Cambridge Historical Series. Pp. ix, 352. Price, \$1.50. London and New York: The Macmillan Co., 1896.

To successfully compress the history of the United States, into the brief space of three hundred pages, is a task so difficult, that few of our historians would willingly undertake it. Such a work should attempt to give no more than a bird's-eye view of the field, and should pass over in silence all minor details. With this thought in mind the reviewer is at a loss to know what to say of a book in which the proportionate estimate of events is such, that considerably more than a third of its pages are devoted to the first twenty years of our history, that passes over, in a scant eighty pages, the mighty period beginning

with the discussion over the new Constitution and ending with the "accession" of Jackson to the throne of power, and that covers the remaining years, including, of course, the struggle over slavery and the Civil War in the hundred that are left. That Professor Channing's book is lacking on the side of perspective must be one of the faults connected with this uneven treatment of different periods.

Professor Channing, however, has written so readable an account of the causes of the Revolution, and of the social conditions out of which it took its rise, that one may well overlook the faults that are so conspicuous in his later chapters. It is pleasing to note, too, in this age of newspaper warfare, that so little space is given to the mere details of battles. Instead of the usual account of the fights and skirmishes of the Revolution we have an interesting comparison of the military qualifications of the American and British leaders, and an estimate of the character of the contest, wherein, while due credit is given the importance of foreign aid to the cause, Professor Channing ascribes the successful issue to the genius of our generals and the courage of our soldiers. Furthermore, we welcome the emphasis that is placed upon the fact that the philosophy of the Declaration of Independence is English and not French.

Space is lacking to do more than note the author's failure to adequately describe the economic importance of the formative period from 1815 to 1840, in which we include the growth of the West to political power; to draw attention to the appreciative treatment of the slavery discussions, with their attendant evil, the bullying war with Mexico; and to add that the chapter devoted to the Civil War is a well condensed narrative. Three excellent maps accompany the text.

Of errors of statement we have noted several, but in a general work they are unavoidable. The printer is no doubt responsible for making Lœ move the resolution of independence on June 17, and for changing the time of the postponement of its consideration from three weeks to two (p. 86). But we fear he can hardly be held accountable for putting the events of Arnold's treason in the year 1779 (p. 95).

HERBERT FRIEDENWALD.

*Philadelphia.*

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*Guide to the Study of American History.* By EDWARD CHANNING and ALBERT BUSHNELL HART. Pp. xvi, 471. Price, \$2.15. Boston: Ginn & Co., 1896.

The syllabi issued for the students in the American history courses at Harvard University have been well known and highly esteemed for several years. To these syllabi, revised and adapted to their new purpose, Professors Channing and Hart have prefixed a series of brief

articles on the general bibliography of American history and the best methods of giving instruction in this subject, to form the book under review.

The pedagogical part of the book is eminently thoughtful and suggestive. The terse and compact way in which the results of the authors' experience are put, is altogether admirable. To many teachers, especially those in secondary schools, this book will furnish a stimulus to far more enlightened work than has been done hitherto. It opens a wide field of possibilities in the teaching of history which will come as a revelation to many; while its constant insistence on the essential difference between high-school, college and university work, will serve to check ambitious teachers from attempting too much.

The first of the three parts into which the book is divided, is entitled "Methods and Materials." The authors recognize that "the material is still much disorganized, and methods of dealing with it are in many places crude and unformed. To open up highways and foot-paths into this literature, and thus to contribute to sound learning and accurate judgment of cause and effect, is the purpose of this work." After calling attention to the fact that the importance of the study of American history has but recently been recognized in our system of education and defining the extent and position of American history, the authors discuss methods of teaching history in general. Among other happy descriptions in this part of the book is the following:—"Historical reading is like the making of Japanese lacquer work; one imperceptible coating is added to another; by and by it is found that where the layers are most numerous, a pattern stands out in relief. The effect left in the mind from reading many books on the same subject is a picture in which the shades are the spots on which all or most of the authors have touched." The characteristics of a good text-book are explained (p. 41) more clearly than we have found them elsewhere, while proper importance is assigned to the study of physical geography and the use of maps. The sections on the use of libraries, methods of note taking, and reports from students, are especially useful.

The second and third parts of the book are devoted to "Topics and References to Colonial and United States History," down to the year 1865. A brief syllabus of the important points in each subject is given and the references follow, divided into the following classes: general, special, sources and bibliography. Occasionally a brief but luminous criticism is given of the books to which reference is made. This part of the work will be found very valuable to teachers in aiding students to prepare reports.

In a book so loaded with multifarious detail, it is inevitable that

there should be omissions. The South has kept quiet too long about its past; but that is no reason why Northern scholars should not be familiar with what has been written on Southern subjects. This book sins less than most, yet references to Southern works are unduly meagre. For example, the publications of the Filson Club are not found under Kentucky. Cable's "Creoles of Louisiana," is classified as an historical novel (p. 141). Under Maryland, no mention is made of any of the following: Scharf's "Western Maryland," his "Baltimore, City and County;" Alexander's "British Statutes in Force in Maryland;" Kilty's "Report on British Statutes;" Kilty's "Landholder's Assistant;" "The Proceedings of the Conventions of 1774-76;" Ridgely's "Annals of Annapolis;" Riley's "Ancient City." If it be objected that these books are not of the greatest importance, the answer is at once ready that books of the same grade on Massachusetts' history are mentioned. The *Maryland Journal*, which is still published under the name of the *Baltimore American*, is killed off by this work in 1797. Norris' "Digest of Maryland Decisions," published in 1847, is referred to, instead of Brantly's, published in 1895.

Mention is nowhere made of the useful summaries of American historical bibliography, which have appeared for years in the "*Jahresberichte der Geschichtswissenschaft*." Other omissions are: Poole's noteworthy article on Witchcraft in the *North American Review*, Bulkeley's "Will and Doom," which is reprinted in the Collections of the Connecticut Historical Society, and the series of "Contributions to American Educational History," edited by Professor H. B. Adams.

Occasionally, a book is referred to in one only of two places, when we would expect to find it in both. For example, the Collections of the New Haven Colony Historical Society are found under learned societies, but not under Connecticut. The valuable posthumous work of Brinton Coxe on "Judicial Power and Unconstitutional Legislation" is mentioned on page 290, but not on page 358. Browne's "Maryland" is referred to on page 62, but not on page 254. The North Carolina Colonial Records are mentioned on page 115, but not on page 106.

The separation of biographies from autobiographies is unfortunate, as it makes a search in two alphabets necessary to obtain the references to any one man. On page 120, by a singular mistake, Wallace, instead of Otto, is given the authorship of United States Reports, Vols. 91-107. On page 109, it should be noted that Maine is included under Massachusetts. Emancipation was not "*accomplished*" (p. 320) in Connecticut in 1784, nor in others of the Northern States at the

dates given. The gradual process was *begun* by laws passed at the times referred to. Typographical errors are numerous, as is natural in the first edition of a work containing so many titles of books, proper names, and numerals. The text is usually up to date, but there are occasional lapses, as (p. 54) where it is stated that there is no complete collection of presidential proclamations. The valuable collection now printing at the Government Printing Office should not be overlooked.

These defects, however, are only spots on the face of the sun. The book is sure to be a great help to every teacher, who will use it intelligently, and furnishes a convenient *manual* for every student of American History.

BERNARD C. STEINER.

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*Outlines of Economic Theory.* By HERBERT JOSEPH DAVENPORT. Pp. xii, 381. Price, \$2.00. New York: The Macmillan Co., 1896.

This is a book which appeals to the advanced student rather than to the beginner. While the style is usually clean cut and often striking, the language and terms employed would make hard reading for any one to whom economic concepts were new. This is not necessarily a fault, as most attempts to elementalize, so to speak, economics, have resulted in a sacrifice of manly strength.

The volume has the text-book arrangement. Preceding each chapter is a list of questions, designed to quicken the reader's mind preparatory to the formal discussion. A list of suggestive questions also follows each chapter and each important section, designed as a review and to suggest applications to current topics. One feature is new and valuable. From two to four pages at the close of each chapter are given to selections from the writings of the great economists of all lands bearing on the subjects just discussed. These selections are made with discretion and are a helpful adjunct.

The book is divided into two parts, economics as a science and economics as an art. This division is not made to enable the economist to divest himself of his professional character, and allow him full swing as a man or social philosopher, but is designed to solve difficulties which face the economist as such. It is essentially a difference in standpoint.

The traditional arrangement of the subject matter is disregarded. No special part is devoted to the discussion of production. After treating of value following preliminary considerations, our author at once takes up the subject of distribution, and ends the theoretical part with international trade, monopoly, taxation and currency. His general treatment of theoretical questions is abreast of the latest work.

To one familiar with Clark, Marshall and the work of the Austrians, there is little that is new. Sidgwick, Marshall, Courcelle-Seneuil, Clark, Jevons and Böhm-Bawerk supply for him the larger part of the quoted matter.

In his treatment of value the author recognizes demand as a leading force in economic activity. He is explicit in rejecting the doctrine that value is the measure of utility. It is not clear, however, that in thus rejecting Clark he fully understands him. To Mr. Davenport value is the measure of the sacrifice involved in obtaining utility. He later explains that he has in mind usually not the sacrifice of mere effort, which would explain value only in case there was a "clear choosing between the indisposition to labor and the gratification of some particular desire." But he has in mind cases in which exertion is certain, and the sacrifice involved in obtaining one thing is the deprivation of another thing; in such cases the measure of the value of the thing obtained is the sacrifice of the unattained thing. As it stands, the statement does not seem to be true. The idea needs further development. Whether the negative loss of gratification is to measure value will depend upon whether it is more or less important than the sacrifice of effort, as Böhm-Bawerk has shown. In case loss of gratification is felt less acutely than pain of effort, would it occur to us to use the former as our yardstick? But there is some doubt whether, even in case the loss of gratification were greater than the pain of effort, it is correct to employ the use foregone as our measure, because it involves our saying that we sacrifice what we enjoy. This for the reason that if our economic activity has been guided by considerations of reason, out of a number of gratifications of different degrees obtainable for a given amount of effort, we must have chosen the maximum gratification. Being the maximum it includes any one of the lesser and more.

Defining cost of production as the "sacrifices of other possible values producible by the application of the same productive energies," there seems to be an inconsistency in the treatment of value and costs. According to the above definition, and the author's own law of value, it would appear correct to say that value is determined by cost of production. But the whole force of the argument at this point is to make cost of production, as interpreted by sacrifice, a subordinate and secondary cause of value. With this most of us would agree, for "none of the forms of compensation attributed to productive forces are to be regarded as primarily causal elements in market values, but rather as distributive shares received by different co-operating factors out of the apportionment of the value product. Wages and interest, as well as rent, are compensation and not cost—result and not cause.

In distribution demand is recognized as the ultimate force. Society exercises choice among industries by showing a disposition to sacrifice some goods in order to obtain others. Society thus determines the quality and kind of productive energies which may be remuneratively applied to different industries. Hence market values in all industries fix the apportionment in each. The remunerations in each industry must be sufficient to induce some sharers to refuse the remunerations possible in other industries.

From this point of view he rejects Ricardo's statement that the "corn which is produced by the greatest quantity of labor is the regulator of the price of corn," and says that the price of corn is the regulator of the quantity of productive energy devoted to producing corn. To this extent he sets aside the view that market price is fixed by the marginal cost of production. Price simply determines what costs may be undertaken.

Rent comes under the general law of value. Both rest upon supply and demand. Different rents are paid for difference of advantage in use. As to wages each laborer determines for himself what activity will yield the maximum of result with the minimum of sacrifice. The individual motives which determine the sacrifice element are legion, and they only affect wages as, by affecting the supply of laborers, they affect the market supply of the goods produced. Hence wages are determined by the causes which modify the demand for particular goods, and the supply of labor energy. The same line of reasoning applies to the entrepreneur. His remuneration is determined competitively by the demand for his services and the supply of them. In the case of both employer and employed, there may be a quasi-rent due to exceptional ability, superior advantages, or even to the exercise of the tricks of the trade. In distribution the entrepreneur has no such prominent place as is assigned to him by General Walker.

In both production and distribution, man is the central figure. Capital does not employ men. Men employ both capital and land and compensate their owners in the measure that these instruments can profit man for the purposes of production. "That which remains after this service of land and capital has been marginally fixed, and payment rendered to the owners, goes to the producing man (either entrepreneur or laborer) as the net reward of his efforts."

It will thus be seen that the general attitude on theoretical questions is in line with the newer modes of thought. The applications to practical problems are interesting and in the main sound, though we do not find in them anything especially new. The writer has a keen economic sense, is a thorough master of the literature of his subject, and always expresses himself in cogent language. We think, however,

that he lacks the art of happy arrangement. Subjects come up in the most unexpected places. For this reason, if for no other, a fuller index would have improved the volume.

JAMES W. CROOK.

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*The Contest over the Ratification of the Federal Constitution in Massachusetts.* By SAMUEL BANNISTER HARDING, A. M. Pp. 194. Price, \$1.25. Harvard Historical Studies, No. II. New York: Longmans, Green & Co., 1896.

"In the United States the history of party," says Mr. Bryce, "begins with the Constitutional Convention of 1787, at Philadelphia." Too late by a score of years this date seems to many. But it remains true that in the record of the convention and of the contest over the ratification of its work there is to be found not a little material of the highest interest and importance to any one who would obtain "a right understanding of the subsequent party struggles in national politics, by which the interpretation of the constitution was fixed and the scope and general policy of the new government were determined." It is upon this quest that Mr. Harding has pursued his very successful investigation in Massachusetts.

The two causes directly fostering the development of opposition to the frame of government presented in the constitution are found in the inordinate self-confidence of the people as to their ability to pass upon the most abstruse questions of government and in the pronounced antagonism in matters political between the upper and the lower classes—a dislike of the rich by the poor, a distrust of the town by the country, of the merchants by the farmers.

In his account of the vigorous newspaper discussions which preceded the meeting of the convention, Mr. Harding presents almost exclusively the lines of attack, assuming that the defensive arguments are familiar. The lack of a bill of rights was much criticised and not a little fear was felt lest Congress should use its powers to so control elections as to make the mercantile interests dominant. The atmosphere of the recent Shay's rebellion still breathes in the opposition to the clauses "prohibiting to the states the power to emit bills of credit, or to make tender laws." "Here," wrote one of the most vigorous opponents, "I suppose the principal weight of the opposition will hang." Consolidation was feared, and it was thought that the powers both of the courts and of Congress were too loosely limited. Not a little prescience was shown by "a Republican Federalist" who comments thus upon the elastic clause of the constitution (Art. I, Sec. viii, § 18): "This I call an *omnipotent* clause, for I



must believe the man who says that he can see in its *aphelion* a court which requires a century for its revolution, as soon as him that says he can see the extent to which an artful and arbitrary legislature can by this clause *stretch* their powers."

The convention was large and representative and not a few of Shay's followers, it is said, found a place in its membership. Most of the delegates came without formal instructions. In the convention the advocates of the constitution were at first a minority, but enjoyed better leadership than their opponents. With caution and forbearance they gave patient hearing and discussion to all objections. The opposition followed in the main the lines foreshadowed in the ante-convention controversy. Most difficult to overcome was the apprehension, vague but widespread, that somehow the liberties of the people were in danger.

The old revolutionary leaders do not appear in a very creditable light in this contest. In various letters and pamphlets Gerry had opposed the Federal plan. Though not a member of the convention, he sat with the members by special invitation until his forwardness caused dissensions, which led to his absenting himself thereafter. In the early weeks Samuel Adams maintained a neutral position, though at heart hostile to the plan. At one important juncture he did good service in checking undue haste, but later he did not hesitate to imperil the whole scheme by introducing certain amendments through which he apparently hoped to court popularity. The "conciliatory proposition," in accordance with which Massachusetts ratified the constitution while proposing amendments, was introduced by John Hancock. Investigation fails to determine who deserves the credit of its authorship, but leaves little doubt that Hancock's service in introducing it was rendered only after he had been convinced that it would be made "worth his while."

The evidence of a bargain by which Hancock was to receive the support of Bowdoin's friends in the next gubernatorial campaign with a likelihood of nomination for the vice-presidency, rests not only upon specific charges in the press, but also upon several letters of Rufus King.

As a result of the introduction of this "conciliatory proposition," the convention voted in favor of ratification by the narrow vote of 187 to 168, the coast counties being strongly in favor of it, while the chief opposition came from the inland and rural communities. The charge that ratification was brought about by improper influence, is clearly proved to rest upon an entirely untrustworthy foundation. Massachusetts' decision marks the turning point in the general contest. Not only was the victory won in an influential state, but a satisfactory

compromise course was here pointed out, which the hesitant states were not slow in adopting.

It is in the second chapter of the monograph, dealing with the ante-convention discussion, that the materials proved least tractable. Mr. Harding has chosen to present in successive layers abstracts of letters from nine or ten different writers to the press and to personal correspondents. These writers are, with few exceptions, entirely unknown to history, and it may well be questioned whether this arrangement does not obtrude them too much upon the reader's attention, while the real perspective in the opposition is obscured by duplication and by the often illogical sequence of arguments within the letters themselves. The method of the historian, rather than of the exchange editor, would seem to be the more desirable, inasmuch as the two collections of letters which are most liberally abstracted, are themselves printed in full in appendices which take up one-third of the text in this volume. If these are considered so inaccessible as to entitle them to such prominence, it would seem worth while to bestow a little careful editing upon them in the way of notes. It is unfortunate, too, that specific cross references are not given between them and the study itself, and that they are not made more serviceable to the reader by extending the scope of the index to cover these also. In a few instances there is a heaping up of useless facts, as in the giving of dates of quite a number of newspapers in which the text of the constitution was reprinted. The very frequent introduction of ["sic"] into quotations from illiterate writers, becomes decidedly wearisome.

In arrangement, typography and binding this is an excellent piece of book-making. The study is supplemented by a good bibliographical note on the sources, and a list of the authorities cited.

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*The Nicaragua Canal and the Monroe Doctrine.* A Political History of Isthmus Transit, with Special Reference to the Nicaragua Canal Project and the Attitude of the United States Government thereto. By LINDLEY MILLER KEASBEY, Ph.D., R. P. D. Pp. xvii, 622. Price, \$3.50. New York: G. P. Putnam's Sons, 1896.

No one will read Professor Keasbey's book on "The Nicaragua Canal and the Monroe Doctrine" without being impressed by its thoroughness. The purpose of the author has been not merely to enumerate the principal events in the history of the canal enterprise, but also to put these events in their proper setting as steps in the history of the world's commerce since the discovery of America. The

thought that seems to pervade the book is that the economic and social forces which explain the history of the world's commerce during this period also account for the activities and struggles of Spain, France, Holland, England, and, latterly, of the United States, to establish or control any transit route that might be formed between the Caribbean Sea or Gulf of Mexico and the Pacific Ocean.

As the land masses of the earth lie mainly in the northern hemisphere, the world's commerce, proceeding from Europe--the part of the world most highly developed industrially, has sought to establish routes east to the Pacific countries, and west to the Americas, so far as possible following the parallels of latitude. The Isthmuses of Suez and Panama diverted the water-born commerce far to the south until the Suez Canal was constructed in 1879 and the eastern trade was permitted to follow the more economical channel. It remains to pierce the American isthmus and affect the same economy for the western trade. Professor Keasbey's most important contribution consists in showing that the events about the American isthmus have been incidents in the larger struggle of the nations to extend their influence and power westward and to overcome the obstacles placed in the way of the freest movement of their commerce to and from the occident. To quote his own words, "The construction of an inter-oceanic canal joining the waters of the Atlantic directly with those of the Pacific must, therefore, owing to the sphericity of the earth, merge these two great [eastward and westward] channels of trade into one. The course of the world's commerce will thus in the end assume a rotary motion, and commercial advance can then no longer be likened to the breakers of a rising tide with their back-rushing undertow currents, but rather to the waves of the deep-flowing sea itself, where no shore obstructs its course."

The author is a patriotic American and gives to the Monroe Doctrine a very liberal interpretation. In his mind, the Monroe Doctrine stands as the expression which the American people have given to their determination to guide the affairs of the American continent. He says: "The settled foreign policy of the United States has also worn for itself a deep groove in the popular consciousness, and, in the light of their manifest political destiny, the American people are equally determined to hold this continent for the Americans, and leave Europe to fight it out for herself. Thus from both the economic and the political points of view, the Nicaragua Canal and the Monroe Doctrine may well be taken to typify our present attitude toward the more general question of interoceanic communication."

Students of international law in this country have not been unanimous in including in the Monroe Doctrine all that the American

people desired to have it mean. It is, however, by no means improbable that the American people may be more nearly accurate in this matter than are the students of international law. If succeeding administrations should be as successful in dealing with the Monroe Doctrine as the one just closing has apparently been, this "settled foreign policy" may secure recognition by foreign nations.

Of the correctness of the details of the author's long historical narrative, I shall make no pretence of judging. The sources of information are carefully and fully given. I have, however, felt in reading parts of the historical narrative, that the author's account would strike a foreigner as being written from an American standpoint.

Students of commerce will find chapter xxiii on "The Economic Aspects of the Canal Project" very suggestive and by far the best thing yet written on the probable influence of the canal upon commerce. Professor Keasbey has classified the trade regions of the world with reference to the Suez and Nicaragua canals as centres. He accordingly divides the commerce of the world into two main classes: That which follows an easterly trade route and that which follows a westerly one. Each of these main routes will, upon the construction of the Nicaragua Canal, consist of a natural and an artificial highway. He divides the traffic which moves from the Atlantic Ocean to the Indian Ocean and from the Pacific Ocean into three main classes:

"(1). *Easterly canal trade*, being such portion of the total canal trade as—either by reason of distances saved or other signal advantages—will continue to reach the Pacific section by passing through the Suez Canal or sailing around the Cape. (2) *Neutral canal trade*, being such portion of the whole as can be regarded neither as tributary to the easterly nor to the westerly route. The comparative distances to be traversed being taken in this case to be about the same, the choice of the routes would here depend upon certain adventitious circumstances. (3) *Westerly canal trade*, being such portion of the total as must be entirely tributary to the westerly route, either on account of distances saved or by reason of other favorable conditions accompanying the voyage through the Nicaragua Canal or around the Horn."

Professor Keasbey applies the term "canal trade," to the entire commerce passing between the Atlantic and Pacific, including Indian, sections since this entire trade "must come within the zone of attractions of one or the other of the waterways." To my mind, it would have been less confusing to have used the term "interoceanic trade" to cover this larger traffic movement, and to have restricted the term "canal trade," to that traffic which moves or will move through the artificial waterways. The analysis of the elements composing each of these three classes of trade and the discussion of the routes which the several elements may be expected to take are well given.

The author is wise in not attempting to estimate the amount of tonnage that would actually move through a Nicaraguan canal. He

says: "What we need, is another board of experts to study this phase of the more general problem of interoceanic transit . . . From the results of such an investigation, we could, at all events, reach a decision regarding the economic importance of the canal, and the report itself would, at the same time, be an important guide to the commercial possibilities of our future." This seems to me, an excellent suggestion, one upon which Congress would do well to act.

The closing chapter of Professor Keasbey's book is devoted to an analysis of the Monroe Doctrine in the light of the conclusions reached as the result of his elaborate historical study. In Professor Keasbey's mind the struggle between the United States and Great Britain for the control of the transit route, is incidental to the larger contest of the two nations over the American continent. Professor Keasbey thinks that Great Britain's foreign policy as regards America is both aggressive and far-sighted, and that nothing but a vigorous policy of opposition on the part of the United States can prevent Great Britain from dominating the affairs of the American continent outside of the United States, and from controlling the developing commerce of the countries of the Southern Pacific.

Professor Keasbey has no faith in the international neutralization of the isthmian waterway, but believes that the economic and political interests of the United States demand the exclusive American control of any canal that may be constructed. He, of course, recognizes the fact that the controversy is by no means over, and, in my opinion, he does well to present the issue to the American people in the concise and strong way in which he has put it in the closing chapter of his book. It is well for us to realize what is involved in our maintenance of the Monroe Doctrine, and to appreciate the consequences that will result to us if we neglect it.

EMORY R. JOHNSON.

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*Richelieu.* BY RICHARD LODGE, M. A. Pp. 235. Price, 75 cents. London and New York: The Macmillan Co., 1896.

In the history of every nation there are a few men about whom a wealth of anecdote has gathered, and who are known quite as much through the novels as through the histories in which they figure. Such a character is Richelieu. No tale of France in the seventeenth century can neglect his personality, no collection of French stories is complete unless one of them has the great cardinal for its hero. Since such pictures too often construct their details according to the necessities of the plot, it is especially fortunate that a public which has recently renewed its acquaintance with Richelieu in the pages of Stanley

Weyman should have an opportunity to see the same personality as depicted by a capable biographer.

During the first half of the seventeenth century the interests of France centred in her foreign policy. It is but natural therefore that the larger portion of this work should be occupied with military and diplomatic concerns, for, as Professor Lodge says, the life of Richelieu is the history of his country during the period in which he lived—nevertheless the reader cannot but regret that the author felt compelled to devote seven of his ten chapters to these matters. It is with such details that the histories of France are filled, for, these years constituted the creative period of the Bourbon monarchy, and the author might have relied more upon these authorities. On the other hand, the relations of the great cardinal to the church, and his influence on domestic administration, to which two chapters are devoted, are subjects which have not been adequately treated, and for the fuller discussion of which the author would have deserved the thanks of students everywhere. This regret is made the keener by the excellent character of these two chapters. The tone of fairness and impartiality which characterizes the author's judgment deserves recognition, even when one differs from his conclusions. It is refreshing to meet an English writer who dismisses with the sharp answer "it was impossible" those critics who see in Richelieu's failure to establish constitutional government the cause of the later tyranny and decadence of the Bourbons. Professor Lodge throughout his work has tried to free himself from English tradition and has, in a large measure, succeeded. He endeavors to ask always what did French advancement demand, and French conditions allow? He has neither the prejudice, which is unconsciously affected by the danger to English interests involved, nor the carelessness which argues as if his heroes acted under ideal conditions.

But, if the author's method of argument is admirable, his conclusions are not always as unassailable. While many will agree that Richelieu made a correct choice between absolute government by the king, and absolute government by the parliament, "a narrow and bigoted bureaucracy," it may be doubted whether "the criterion by which Richelieu's government should be tested is to be sought not in an estimate of the successes or blunders of the later Bourbons but in an examination as to whether he himself made the best use of the authority which he established." In a narrow sense this may be true; in a broad sense it is only true when it is proven that no other frame of government that it was possible to establish could have developed a force in the state on which an efficient administration could have rested. By the control over letters which

resulted from the founding of the Academy, and the later fostering care of Louis XIV., that spirit of effective criticism usually exerted by literary men, even under absolutism, was repressed, and the attitude of the government in religious concerns had a like influence in crushing out whatever independence varying creeds might have given. If it is unjust to hold the cardinal responsible for the whole of this movement, it is as unfair to forget that he was its originator.

An exception may be made regarding religious matters, for Richelieu seems to have had no intention of depriving the Huguenots of their religious as distinct from their political independence. Although a cardinal, Richelieu was first of all a Frenchman, and it is more than possible that he expected this tolerance; united with the education which is gained from commercial relations as well as from books, to produce an enlightened community, a community in which more confidence could be placed and to which more powers could gradually be entrusted.

The work closes with a brief consideration of the "*Testament politique*," only the first chapter of which our author believes to be authentic, an all too short discussion of Richelieu's personal character, and a brief bibliography. As a whole the critic can only repeat of this book what its writer says of the work of M. Hanotaux, that it is to be hoped its author may yet find sufficient leisure to enlarge it.

C. H. LINCOLN.

Philadelphia.

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*Studies in Ancient History; The Second Series; Comprising an Inquiry into the Origin of Exogamy.* By the late JOHN FERGUSON McLENNAN. Edited by his widow and ARTHUR PLATT. Pp. xiv, 605. Price, \$6.00. London and New York: The Macmillan Co., 1896.

Maine's "Ancient Law," and Bachofen's "*Mutterrecht*" were published in 1861. The first edition of McLennan's "Primitive Marriage" appeared in 1865. Morgan's "Systems of Consanguinity and Affinity of the Human Family" was published in 1871, and his "Ancient Society" in 1877. The first edition of McLennan's "Studies in Ancient History; First Series; Comprising a Reprint of Primitive Marriage," was published in 1876, and his "The Patriarchal Theory," edited after the author's death by his brother, Donald McLennan, appeared in 1885. These dates are necessary to an appreciation of the great importance of the posthumous papers now published as a second series of the "Studies in Ancient History," a volume which has been reviewed in prominent journals in a grossly misleading way. Justice to one of the ablest and most unfortunate of constructive

thinkers upon that most difficult of sociological problems, the origin of marriage, demands that the new contribution towards its solution which is here made should be understood and recognized.

Maine's explanation of ancient law assumed the universal prevalence in prehistoric times of the patriarchal family, founded on the *patria potestas*, and limited by agnation. Bachofen's researches proved that the primitive systems of kinship traced descent through mothers instead of through fathers and tried to account for this fact by denying the truth of the patriarchal theory and assuming a primitive promiscuity in sexual relations, or perhaps a communism of women. McLennan brought great learning and critical insight to bear upon the question. Not then acquainted with the work of Bachofen, he independently discovered the primitive system of relationship through women, the widely observed rule of exogamy, and the prevalence of wife capture and of its surviving symbolism. These facts he accounted for by another widely extended practice, female infanticide, which he regarded as a cause of the other phenomena. Scarcity of food, he argued, compelled each little horde of primitive men to cut off its useless members, and the girl babies could most easily be spared. Scarcity of women, thus produced, led each horde to try to capture women from other hordes, and the captives were owned by their captors in common. Thus it came about that polyandry was the earliest form of marriage. Confirmation of this theory McLennan found in many practices that survived after polyandry ceased to exist, for example, the levirate of the Jews, or the law that a surviving brother must take to wife his deceased brother's widow.

Maine had been the first writer to understand the Grecian *γενος*, the Roman *gens*, and to appreciate its social and juristic importance. Lewis H. Morgan was the first investigator to discover that the totemic groups of the North American Indians, and of other uncivilized races, are in essential features organizations like the gens; that, in short, the totem-kin of the red man, the clan of the Celt, the gens of the Roman, and the hayy of the Arab, are one and the same organization. He was the first to distinguish clearly between the clan and the tribe, and the first to discover that it is the totem-kin, clan, or gens which is the exogamous organization. An attempt to reconcile these discoveries with the primitive systems of consanguinity and affinity led him to advance the hypothesis that the primitive relations of the sexes were neither promiscuous nor patriarchal, neither polyandrian only nor polygamous only, but were definite groupings in which each woman was a wife to several men and each man was a husband to several women.

With these facts before us we can understand the exact value of the



second series of McLennan's Studies. Since his death the critical researches of Post, Dargun, Starcke, Westermarck and other investigators have established the moral certainty that the primitive relations of the sexes were neither patriarchal nor so definitely organized in any other way as McLennan and Morgan seemed to suppose. It is highly probable that, as Darwin supposed, male power and jealousy established the pairing of one man with one woman as the usual relation, but that this mating was a very temporary affair, and left children to be cared for by the mother and to take her name. With this relation every other possible relation probably now and then coexisted, so that it was always a question of circumstance which form should gain ascendancy in any particular group. In a word, the primitive relations of the sexes were indefinite, uncertain and led to many forms of grouping.

Let the reader now turn to page 59 of this new volume of McLennan's papers and read a letter to Mr. Darwin, written by McLennan, February 3, 1874. All these results of criticism are there presented. McLennan himself had anticipated them all, and had accepted them. On the two main points his own words are these:

"Now I agree with you that from what we know of human nature we may be sure each man would aim at having one or more women to himself, and cases would occur wherein for a longer or shorter time the aim would be realized. . . . I take it, polygamy, monogamy and polyandry (or its equivalents) must have occurred in every district from the first, and grown up together into systems sanctioned by usage first and then by law."

But how, after writing this opinion, which subsequent investigation has confirmed, could McLennan continue to insist that marriage began in polyandry. The letter answers this question also, and for the first time shows exactly what his contention was. In his view polyandry was not the first relation of the sexes, but it was the first form of *marriage*—i. e., it was the first form of the sexual relation, which was *sanctioned by group opinion*. Again, to quote his own words, he says:

"Polyandry, in my view, is an advance *from*, and contraction of promiscuity. It gives men *wives*. Till men have wives they may have tastes, but they have no obligations in matters of sex. You may be sure that polygamy in the early stage never had the sanction of *group opinion*. They would all envy and grieve at the good of their polygamous neighbor. Polygamy, then, did not at first give men *wives*. Wifedom begins with polyandry, which is a contract."

Obviously there was here raised by Mr. McLennan, twenty-three years ago, a question absolutely distinct from that which students of

the history of the family have since, for the most part, been discussing. Obviously, too, Mr. McLennan's question is the sociologically important one. Marriage is more than a fact of physiology and more than a relatively enduring cohabitation. It is a socially sanctioned relation. Admitting that every possible grouping of the sexes may have been tried by primitive men, what grouping was the first to be socially sanctioned? Students who may now re-read McLennan's books in the light of this thought will at least admit that he has made out a strong case for polyandry.

This thought runs through these posthumous papers. It was a strange series of fatalities which kept them from the public for so many years. Most of them are incomplete. They are written as fragments of a great work on early society, which should have systematically presented the final results of the author's studies. After his death his brother tried to piece them together. While engaged in this task Mr. Donald McLennan also died, and the material passed into the hands of Robertson Smith. Before he had done anything with it his final illness overtook him. Mr. J. F. McLennan's widow then assumed the work, and when the result of her labors was finally in the printer's hands she, too, passed away.

The volume is in two parts. The first is theoretical and expository and includes excellent chapters on the nature of historical evidence, on the definition of terms, and on "Kinship, Totemism and Marriage," "The Origin of Exogamy," "Female Infanticide," "Exogamy Inferred from the Law of Succession," and "Examples of Fabricated Genealogies." The second part is a mass of descriptive facts from many parts of the world, of different degrees of value, according to the authorities followed.

FRANKLIN H. GIDDINGS.

*Columbia University.*

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*The Life of Richard Cobden.* By JOHN MORLEY. Two vols. Pp. 468, and 509. Price, \$3.00. New York: The Macmillan Co., 1896.

The semi-centennial of the inauguration of England's free trade policy could not have been better commemorated than by the republication of these two volumes of Mr. Morley, containing the record of the life and deeds of Richard Cobden. This biography is of great interest for many reasons. It has been written by a past master in the art. Mr. Morley has followed here a method somewhat different from that adopted in his "Lives" of Voltaire, Diderot and Rousseau. Cobden's life and theories are described for the most part in his own words, extracted from letters, journals, speeches, articles and books. From these Americans will learn that Richard Cobden was not such a monster as he is generally portrayed to our political audiences by ignorant

political speakers. They will be informed that he gave his life to the promotion of free trade with as true religious zeal and love for his fellowman as ever animated reformer. Every American who desires in any way to improve the common civic life can derive inspiration and instruction from these volumes. They show us how a man without any of the advantages of school or college training became one of the most distinguished political philosophers of his day, how he mastered the myriad details of one of the most complicated economic problems, and how he convinced a hostile ruling class and an adverse government after one of the most intense "campaigns of education" on record that unrestricted trade and commerce was the best for England as well as for all nations trading with her, for producers as well as for consumers, for the poor as well as for the rich.

The student of politics will find this "Life" especially rich in materials for the study of political agitations and in hints as to the way in which such agitations may be made to succeed. When Cobden first began to feel the stirrings of those feelings that forced him to become an agitator, the Protective system was rooted in the traditional prejudice and conservatism of Englishmen. Its position seemed impregnable. For years Cobden had been a commercial traveler of great activity and alertness in promoting the sales of his wares and stuffs; he was a large manufacturer of cloth goods; he was a most indefatigable observer and collector of facts of industrial life and conditions; and he was an omniverous reader of all kinds of literature that in any way helped him to understand the nature and needs of industry and trade. In addition he made extensive journeys in the United States, Egypt, Asia Minor and in nearly all the countries of continental Europe. In a word Cobden had what all reformers should have, a vast and various knowledge of industry and trade, a keen faculty for perceiving and assimilating essential as well as interesting facts and an exceptional ability for clear, forcible and persuasive presentation of the lessons of experience so as to interest and instruct all sorts of audiences. On all sides of him he saw the injurious consequences to trade and industry of the checks and hindrances to the free exchange of goods between nation and nation and his journeyings and reflections convinced him that the "vexatious eccentricity of incidence" of import duties was an unqualified and continuous injury to industry and to social and political life. He began the work of agitating for the abolition of the protective system single handed and alone; but soon others began to join him, among whom notably was John Bright. The personal work and influence of Cobden and Bright and their co-laborers were immense; but their efforts would scarcely have brought about such a radical change in England's industrial policy so

soon had it not been for the effective work of that noted political organization, "The Anti-Corn Law League." Perhaps never before was the efficiency of well-directed organized effort more clearly demonstrated in promoting a reform than was the case with the League's propagandism.

Richard Cobden's public work is a striking indication of the possibilities of rational reform under popular government. Into the cold facts and deductions of the "dismal science" he infused a warmth and light and earnest patriotic zeal that made them living things to the people of England. His success proves that the most complicated subjects in economics and finance can be so presented to the masses, that the most profound truths can be assimilated by them and utilized in the betterment of human relations through conscious social and political reform. The United States has just witnessed a remarkable campaign of education and the hopes of the believers in the stability of democratic government have been greatly strengthened. Cobden's career demonstrates that the chief requisites to realizing a needed reform are full knowledge of the subject in all its relations, lucid and persuasive speech and enduring earnestness and honesty in its promotion.

FRANK IRVING HERRIOTT.

*Des Moines, Iowa.*

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*Der Staat und sein Boden.* By FRIEDRICH RATZEL. Publications of the Royal Scientific Society of Saxony. Vol. xvii, No. iv. Pp. 127. Leipzig: S. Hirzel, 1896.

Professor Ratzel's book is worthy an extended notice, not only for what it contains, but also for what it promises. In the four papers which it includes we have a valuable contribution to that neglected field of social phenomena which concerns the influence of man's environment upon the political institutions which he has developed, and suggestions which may in time lead to the birth of a new science. The author arraigns the conventional political science, because it proceeds to "dissect the state as something dead, represents it as a skeleton, treats its phenomena of growth and decline—practically so important—as if here a piece of land were cut off from a private estate and there one were added," and maintains that, "deeper insight into the subject is possible only through the study of the living political organism. We can describe and measure a political boundary ever so exactly, but its real importance for the state and the importance of every one of its features will be comprehended only when it has been conceived as the peripheral organ of a political organism. Area may be determined ever so accurately, but its value to the state can be

understood only through the comparative study of areas in growing and declining states, in communities of primitive tribes and in the most modern civilized countries."

The author's conclusion may be summarized as follows: Political geography will be barren of any results until the geographer is animated by the idea that the state is an organism, indissolubly connected with the earth's surface, deeply rooted in the soil, modified in its character and growth by its geographic environment, finding the ground beneath it and about it ever-present, ultimate factors at work moulding its history. This point of view is never lost sight of by the author, but, on the other hand, it is never allowed to mislead him into the mistakes which would arise from the excessive application of the principle. Ratzel began his scientific career as a zoölogist, and this fact proves his safeguard here. He understands the concept "organism" in all its near and remote relations, and, therefore, he adopts the biologic conception of the state, with full consciousness of the limitation of its application. He discusses this whole question in the first chapter, considers how far a society is a mere aggregate, how far an organism, and comes to the conclusion that the material element welding the component parts of a state together is to be found only in its occupation of a common physical environment. To this fact he attributes the strongly marked tendency to base political organization upon territory.

Particularly interesting is the author's treatment of the development of the connection between land and state. He demonstrates the value of the geographical point of view in his criticism of the "schematic" division of political forms into *societas* and *civitas*, by Morgan, and into "tribe" and "nation" by Brinton. In his opinion, these two systems find no verification in experience among primitive peoples in the past or in the present, for the reason that no tribe or community, however undeveloped, has ever been discovered without a claim or hold upon some land. In Brinton's theory, he calls attention particularly to the lack of any genetic connection between the two great typical epochs of the tribal and national state. Morgan's federation will not explain the transition, for in reality voluntary unions are rare in the history of primitive communities. If Brinton means that through the political alliance of the tribes, the barriers between the tribal states are broken through and their districts so blend into the larger territory of a people or nation, history has no instance of a transition process of this kind. On the other hand there are unnumbered cases where political areas have grown in consequence of increase of population, extension of trade, and, above all, through conquest. These, therefore, are the factors working toward terri-

torial expansion; they have left their indelible stamp on political and social organizations, and are operating in even intenser form to-day. Against them the strongest tribal organization has not been able to hold its own, and without them no national state has ever been formed. All history shows a growing closeness of connection between the land and its people, as the density of population increases and the exploitation of natural resources becomes more stable and intensive, till finally the economic relations of the individuals to the land pass over into the political relations of the whole people. It is just this deepening and extension of the connection between the state and its territory which discloses the artificial character of such classifications as those of Morgan and Brinton.

The last chapter, dealing with the radication of the state in its territory through the work of its individual subjects, affords the most interesting reading in the book. Here the subject-matter is in general more familiar and the principles deduced are more fully illustrated from history, whereas the first part of the book suffers somewhat from paucity of illustration. Especially fine is the author's discussion of nomadic and agricultural peoples, the relation of each to soil and government, the valuation of land and the political form peculiar to each, and the fundamental contrast in their whole inner and outer constitution in consequence of their different occupation and different geographic environment. Furthermore, the question of colonies and colonial policies finds able treatment at his hands. He shows how England's colonial strength lay in the industrial hold of her colonists upon the land, how her conquest of new territory was in reality industrial before it was political; whereas, in contrast, Spain's was a conquest over the new land with its native people and never developed fully to an industrial hold upon the acquired soil by Spanish settlers.

The book is full of broad generalizations, but Professor Ratzel never gets very far from his data and mother earth. He has adhered to the inductive method and has applied it impartially to a large body of facts. This is the final impression left upon the reader. Many of the practical illustrations used are drawn from the economic and political history of our own country, and the authorities quoted are the latest and the best.

ELLEN C. SEMPLE.

*Louisville, Ky.*

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*Select Tracts and Documents Illustrative of English Monetary History, 1626-1730.* By WM. A. SHAW, M. A. Pp. xiii, 244. London: Clement Wilson, 1896.

As a writer on money Mr. Shaw is not unknown. His recent "History of Currency" made a fair show of learning, and de-

ceived not a few reviewers into extravagant praise of an accuracy which it does not possess. Those, on the other hand, who, at tiresome length, have exposed Mr. Shaw's frequent blunders and his not infrequent ignorance, have overlooked for their part, a conspicuous merit which his "History" undeniably has. Few writers have held a more tenacious grip upon Gresham's law than does Mr. Shaw. His entire "History" is devoted to illustrating the fact that bad money drives out good, and it is for the further elucidation of the same principle that he has chosen and edited the "Select Tracts and Documents Illustrative of English Monetary History." Mr. Shaw, however, though he gives in his adhesion to Gresham's law, does not approve of the traditional formulation of it. On the contrary he says:

"It is not true that bad money drives out good. Such a principle would imply a conscious and deliberate choice or election, on the part of the community at large, of bad before good money. What would have been true to say is, that, given in one country an imperfect currency system, in which two elements of unequal value are concurrently circulating, and given no specific law of tender, and given no law for the withdrawal of worn or clipt specie, and given, with all this, another similarly imperfect currency system, in one or more countries near at hand, then the merchant exchanger, whether Italian or Jew, had close to his hand all the elements of an easy bargain. He could buy up the good money by means of the bad, or the unworn money by means of the worn, or the more valuable money of one metal by means of the less valuable money of another metal. He could in a retail way sell piece by piece the coin of one country to another country."

If Sir Thomas Gresham had said all that, it might indeed have been "true," it surely would not have been remembered. The sixteenth century was not so tedious as the nineteenth. The phrase attributed to Gresham has pith, it sticks.

In order that bad money may completely buy up good money—"drive the good money out"—three markets are necessary, a market in which good money can be sold at its metallic value, a market in which bad money can be bought at its metallic value, and a market in which bad money, of low metallic value, will buy good money of high metallic value. A market of the first sort is always afforded by the melting pot, nor can laws keep the resultant bullion within a country when its abundance makes it cheaper there than elsewhere. A market of the second sort is afforded by any mint that coins "bad" money freely and gratuitously. If the bad money be coined from the same metal of which the good was made, this mint affords also a market of the first sort, a market for the sale of the good money at its metallic value expressed in bad money. A market of the third sort is to be found wherever individuals, in the ordinary prosecution of their business, accept the two sorts of money indifferently.

In the seventeenth century in England these three conditions for

the driving out of good money were approximately realized. After the passage in 1666 of the statute for the free and gratuitous coinage of both gold and silver, the conditions were almost completely realized, and that metal, whether gold or silver, which chanced for the time to be relatively overvalued at the mint, poured into the coinage, while the other metal threatened to disappear from circulation. It is to dangers of this sort, which began to manifest themselves long before the act of 1666, that Mr. Shaw's writers chiefly turn their attention.

The first section of the book is entitled "Sir Robert Cotton and the Debasement of 1626." Almost immediately after the coronation of Charles II, one John Gilbert, formerly a warden of the mint in Scotland, submitted a memorandum proposing "to the end [among others] that the monies of silver nowe coyned (beinge heavier then the currante monies) which have been culled out, be not contynnally exported," that the Troy pound of standard metal be thenceforward shorn into more pieces than formerly; and it appears that in August, 1626, some coining was actually done at the rate proposed, viz., £44 instead of £41 for crown gold and 70s. 6d. instead of 62s. for silver of the old standard. But on the fourth of September a royal proclamation denied currency to the new coins and degraded them to the repute and estimation of bullion. A chief part in determining the king's mind to the issue of this proclamation, in spite of the advice of Buckingham, has long been assigned to the speech delivered at council table by Sir Robert Cotton, the second of September, 1626. The speech, however, is neither unknown nor especially valuable, and Mr. Shaw, though he puts it into large type, seems to have introduced it chiefly as a peg whereupon to hang certain contemporary memoranda from MSS. in the Record Office (S. P. Dom. Charles I, xxxvi, 102, 103). These memoranda show a clear recognition of the extent to which gold was relatively overvalued at the mint, and propose to remedy the difficulty by changing the tale of the pound of silver, and thus making the mint ratio conform to the market ratio.

The second section is devoted to "Henry Robinson and Commonwealth Monetary History." Mr. Shaw says that Robinson "has been entirely ignored by, or unknown to, the economic and political historian" (p. 50). Even if this were true, as it is not, no great merit would of necessity attach to Robinson's discoverer. The fragments reprinted from two of Robinson's pamphlets—"England's Safety in Trades Encrease" (1641), and "Certain Proposals in Order to the Peoples Freedom" (1652)—though brief, still give a fair view of Robinson's economic notions and do not make the reader eager for more. But in this section as in the first, the appended memoranda of mint officials, reprinted from papers preserved in Fetter Lane, are of real



importance. They give authentic data for estimating the true value of English and foreign coins during the Commonwealth, and should help to an understanding of the confused moneys of that period.

Between his second and his third section, Mr. Shaw makes a leap of half a century. He passes without a mention over such events as the introduction of the guinea and the passage of 18 Charles II, c. 5, and such writers on money as Petty and Rice Vaughan. He even omits Lowndes' incomparable "Report containing an Essay for the Amendment of the Silver Coins," because it "was reprinted some two generations since, by the Political Economy Club [whose reprint is to-day much harder to find than the original of it] . . . , and because of its length." The third section thus brings us to "Sir Richard Temple and J. S., opponents of John Locke, in the Recoinage of 1696." The story of that measure is too familiar to need repetition, and Mr. Shaw's reprints add nothing of value to our knowledge of the subject.

The fourth section contains "Sir Isaac Newton's Mint Reports," (hitherto unpublished). There are fourteen of them, dated from 2 September, 1701, to 14 November, 1725. I believe that but three have been printed heretofore, and Mr. Shaw does not over-emphasize the value of those which are new. In them may be traced the gradual change that made England in fact a gold standard country during the greater part of the last century, and indeed, to the present day.

The fifth section reprints Conduitt's "Observations upon the present State of the Gold and Silver Coins," written apparently in 1730, but not published until 1774. Conduitt's pamphlet, which was enthusiastically praised by Jevons, has become rare, and it were well in any case to have it reprinted. But it gains new force and point by the collocation in which Mr. Shaw now prints it. Here we see it fitly closing a century's discussion, explaining and justifying the course of English monetary history as Mr. Shaw strives to present that course.

What, then, is the general course of English monetary history as mirrored in Mr. Shaw's book? The central feature of that history is the operation of Gresham's law in expelling the undervalued money. In 1626 we find full-weight silver so generally exported that the debasement of the silver coin was proposed as a remedy. To be sure the complete plan of 1626, if put into practice, would have debased gold coin more than proportionably, and would thus have aggravated the evil it was designed to cure. But Mr. Shaw shows that, as a matter of fact, no debased coin of either species was circulated, and the plan remained without effect. By 1662, however, we find Sir William

Petty, in his "Treatise of Taxes and Contributions," discussing "the cause of our having been pestered with too much Gold before, and wanting it now." But the following year witnessed the introduction of a new coin, destined, though not intended, to revive the old blunder. This coin, afterwards called the guinea, had the legal value of 20s. in silver, and was shorn from crown gold at the rate of £44 10s. to the pound troy. The previous gold piece of 20s. legal value, the *laurel*, had been coined at the rate of but £41 to the pound. The new coin actually circulated, nevertheless, at rates running as high as 22s., and even then gold was overvalued. In 1666 the mint was opened for the free coinage of both metals, and, in consequence, Englishmen were once more "pestered with too much Gold," which rapidly became the money of actual use, though silver remained the theoretical standard of the country. In 1695 ill-judged legislation preparatory to the impending recoinage caused the hoarding of such full-weight silver as remained in the country. In consequence the price of the guinea, measured in the clipped silver coin, which alone continued to circulate, rose to 30s. The recoinage of 1696 was intended to afford a supply of full-weight silver coins so abundant that they would circulate concurrently with gold. In fact they disappeared almost as fast as they came from the mint. The reason was sought and found in the high silver price of the guinea, which made it profitable to import gold for coining, and, with the resultant guineas, to buy up the full weight silver for export. An attempt was accordingly made to conform the legal to the market ratio by gradually "lowering the price of the guinea." But the lowering process stopped in 1717 at 21s., which gave a ratio of about 15.21 to 1. Since the commercial ratio was generally lower for the next eighty years, gold became, during that period, the firmly established money material of England. In other words, the almost exclusive use of gold resulted from the retention of laws made for another purpose. Petty, reflecting current opinion, could write, in 1662, that "the world measures things by Gold and Silver, but principally the latter." And ten years later, after gold had been overvalued at the mint, he could say, "if Silver be the one Metal fit for Money, then Gold is but a Commodity very like Money"\*—It is evident, too, that Locke, Barbon and Lowndes, as well as the minor disputants in the controversy of 1695-96, all or nearly all, regarded silver as still the true standard. Meanwhile silver continued to be bought up with gold. By 1730 one man, at least, had learned the long lesson. Conduitt wrote:

"Necessity and convenience will make that coin the measure which is in greatest plenty. It was for this reason that silver, and not gold, was the first measure.

\* Political Anatomy of Ireland, Cap. 10.

Wherever the silver coin of any country is bought at a premium, with the gold coin of the same country, there gold is the measure, and silver is the merchandise; and wherever gold is a legal tender at a certain rate, it is as much a measure as silver."

We have now two books from Mr. Shaw, both published within a twelve-month. If he intends keeping it up at this handsome rate, he owes to himself, and not less to his readers, a simple duty. That duty is to learn the rudiments of the art of bookmaking. The printer and the publisher of "Select Tracts and Documents" have done their parts passably, but the editor exhibits, in a number of minor matters, a remissness for which the most satisfactory soundness in the essentials of monetary faith cannot be pleaded as an excuse. His "History of Currency" had no adequate index. His present book has no index whatever, and three of the five rubrics in its brief table of contents differ from the half-titles of the sections they are supposed to designate. He has also permitted the book's back to be lettered with a legend—"Writers on English Monetary History"—which differs from the true title of "Select Tracts and Documents." In the book itself he does not give references where they are actually required. Regarding Robinson we are told (p. 49) that "Dr. Gardiner was the first to point out the existence of [his] anonymous tract on *Liberty of Conscience*." Passing over the error of fact—Gardiner himself cites the reference in Henry Martyn Dexter's, "Congregationalism,"—we have the right to demand a reference to Gardiner's "History of the Great Civil War,"\* but Mr. Shaw gives us none. We are next informed that "Mr. Firth has traced the authorship of this anonymous tract to Robinson." Here a careful editor would refer to Mr. Firth's article in the *English Historical Review* for November, 1894, p. 715. Mr. Shaw leaves the reader to hunt up the reference for himself. On the next leaf we learn of Robinson that "through his long-winded and ungrammatical utterance there flashes occasionally the light of a piercing prescience." Hobbes and Milton were ungrammatical when judged by modern standards. What, then, shall we say to criticisms passed upon the syntax of a London merchant who was their contemporary, by a university man who is ours, and who still can write, "It is in such indications and flashes that lie the chief interest in the following extracts"? These criticisms of Mr. Shaw's style of editing and of writing are not unfair or captious. Numerous examples of similar shortcomings might easily be cited from his books, and they are shortcomings which he owes it to himself to amend, since they make his books less useful and less agreeable than their merits entitle them to be.

CHARLES H. HULL.

Cornell University.

\*Vol. i, pp. 341-44, Edition of 1886.

*"Appreciation and Interest;" A Rejoinder.*

In justice to the readers of Mr. Powers' review of my "Appreciation and Interest," \* attention should be called to the fact that the reviewer has failed to understand the methods and conclusions which he criticises. The following are patent instances:

1. The interest realized to London investors in the gold and silver government bonds of India differed, prior to 1875, by two-tenths of one per cent. I allow one of these tenths for the trouble and expense of converting rupee interest bills into pounds sterling. Mr. Powers' comment is: "The halving of this amount on the assumption of remote prevision seems unwarranted and is uncomfortably suggestive." He would ascribe *both* tenths to "friction of exchange" (equivalent to a commission of 5 per cent on the income from the bonds!). If he had examined page 51, he would have noted that the extra tenth is there thrown into the balance simply to make the result a round number. My conclusion is therefore *totally unaffected* by the "halving." Mr. Powers omits to state that this "halving" (had it really mattered) would have made a difference of but one *fourteenth part* in the final result.

2. "But what shall be said when silver bonds payable on three months' notice are compared with gold bonds running fifty or sixty years? Is there nothing in this permanency of investment calculated to tempt capital and lower the rate of interest? It is difficult to excuse the omission of a factor which is itself sufficient to account for the major part of the difference in the interest rate." The omission was not made. Whatever preference "permanency of investment" gave the gold bonds existed before 1875 as well as after. By casting out the *total* difference of interest (two-tenths) existing before 1875 from the difference of interest existing afterward, any effect of a difference of "permanency" must have been eliminated. Mr. Powers, in his anxiety to controvert me at two different points, does not observe that his own claims controvert each other. By previously ascribing all of the two-tenths to "friction of exchange," he left no room for the influence of "permanency of investment," much less for "the major part [over *four*-tenths] of the difference in the interest rate" after 1875.

3. "The conclusion drawn from a comparison of interest in gold and silver using countries is certainly strained." From such a comparison I carefully refrained. I compared the *changes* in interest in the two sets of countries (p. 64).

4. "But that which vitiates the conclusion most of all is the neglect of the time factor. . . . The currency bonds in the first comparison

\*ANNALS, January, 1897, Vol. ix, pp. 122-26.

were to run ten years longer than the coin bonds." The "time factor" and the elimination of the effect of difference in duration of the bonds were *especial* objects of calculation (pp. 41-45).

5. Mr. Powers misconstrues my use of "labor interest." I expressly disclaimed adherence to the labor standard. Wages were employed only tentatively and as an index of money incomes in general (pp. 72, 74). My quantitative conclusions rested, not on wage statistics, but on Mr. Bowley's income statistics (p. 72). These, by the way, lend no support to Mr. Powers' apparent assumption that a rise of wages takes place at the expense of profits.

6. "But when the author asserts that retail prices should be considered instead of wholesale, and that rent, labor and services should be included as forming part of the family budget, he betrays a total ignorance (or neglect) of the real relation between prices and debts." Mr. Powers has mistaken negative criticism of one system of index numbers for positive approval of another. I did not propose to take the "domestic purchasing power" as a measure of the value of money. In order to obtain the latter, we must know, as I particularly explained, a second item, viz., money incomes (pp. 72, 82), and in this item are included the effects of all influences which Mr. Powers seems to think I have omitted, viz., the influence of a change of wages and wholesale prices on the entrepreneur's profits, *i. e.*, his *income*.

7. Referring to risk of appreciation, Mr. Powers states: "Doubtless risks incurred must be borne, but should we or should we not by our collective action seek to minimize those risks?" Certainly, and so I stated, even adding that *bimetallism* would probably tend to reduce risk (pp. 86-87).

8. "When it is proposed to farther eliminate risk, the reminder that the individual must not escape his contractual obligations is perniciously irrelevant, an effort to side-track discussion which is as unworthy as it is unacademic." Mr. Powers is mistaken both as to the "effort" and as to the fact. The "reminder" was not mentioned in reference to proposals to reduce future risks (p. 86) but in reference to proposals to scale existing debts (pp. 83-84).

9. "But the climax is yet to come. The gold standard is not to be regarded as favorable to the creditor, because no man knows whether under it prices will continue to fall or not, let alone all question of amount. Indeed! Then how about this much assumed foresight by means of which men were to forestall these changes?" I never claimed that anybody ever *foreknew* fluctuations in prices; my statistics showed only a speculative foresight. No one denies that foresight exists on the Stock Exchange, but this does not enable us to foretell whether the bulls or bears will lose to-morrow. If we could foretell

this the bulls and bears could do it too, and the losses would not occur (p. 85).

10. Mr. Powers even misquotes my main conclusion from the statistics which he criticises. This was that, in England, the debtor's loss during the last twenty years amounted to two-thirds of one per cent per annum subject to a possible error of one-third of one per cent. This result was explained and stated carefully in many passages (pp. 52, 72, 73, 80). Twice it was thrown into the compact form, familiar to statisticians,  $\frac{2}{3} \pm \frac{1}{3}$  per cent (pp. 73, 80). At Mr. Powers' hands this becomes "from  $\frac{1}{3}$  to  $\frac{2}{3}$  per cent"!

IRVING FISHER.

## MISCELLANY.

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### MEETING OF THE AMERICAN ECONOMIC ASSOCIATION.

The ninth annual meeting of the American Economic Association was held at the Johns Hopkins University at Baltimore, December 28 to 31, 1896. The program of the meeting was as follows:

MONDAY, DECEMBER 28, Evening Session, 8 p. m.

- I. Address of Welcome, by DR. DANIEL C. GILMAN, President of the Johns Hopkins University.
- II. Response by the President of the Association.
- III. President's Annual Address: "The Relation of Economics to Jurisprudence." PROFESSOR HENRY C. ADAMS, University of Michigan.

TUESDAY, DECEMBER 29, Morning Session, 10 a. m.

- I. General Discussion on the President's Address.
- II. Discussion: "Is there a Distinct Agricultural Question?"

Led by PROFESSOR BAILEY, of Cornell University; followed by HON. GEO. T. POWELL, Director of Agricultural Institutes, Pennsylvania, HON. L. G. POWERS, of the Minnesota Bureau of Labor Statistics, and others.

#### THESES FORMULATED BY THE LEADER:

1. The rapid increase of the system of land renting, the absorption of small holdings by wealthy land owners, and the abandonment of farms are changes that will benefit the farming class and the country at large. These changes are similar to those that have taken place in other lines of industry.
2. Mortgage statistics are of slight importance in determining the agricultural status.
3. The common system of unvaried cropping has been very detrimental to the mental aptitude of the farmer, and has thus put him into the position of the unskilled laborer.
4. The efflux of the young people from the farms has been due in good part to the rapid development of manufactures which has furnished the opportunity to work under supervision. The tendency will be checked under the new system of farming which affords the same opportunity to those not competent to direct their own work successfully.
5. The new system will restore to the farms the scholarly, influential farmers of the earlier days.
6. The best effects may be expected to follow the rural delivery of mails and the extension of electric railroads into the rural districts.
7. The farmer is ready for a better education; and through educational means chiefly, working in harmony with normal economic changes already begun, the status of the farmer will be much improved.

## Afternoon Session, 3 p. m.

- I. Report of the Committee appointed at the last annual meeting on the "Organization of the Census," by PROFESSOR ROLAND P. FALKNER, Chairman.
- II. "Crime and the Census."  
PROFESSOR ROLAND P. FALKNER, University of Pennsylvania.
- III. "The Use of Credit Instruments in Retail Trade."  
PROFESSOR DAVID KINLEY, University of Illinois.
- IV. "The Quantity Theory of Money."  
PROFESSOR W. A. SCOTT, University of Wisconsin.

## WEDNESDAY, DECEMBER 30, Morning Session, 10 a. m.

- Discussion: "What is the Present Direction of Acquisitive Investments? What are the Economic Effects of such Investments?"  
Led by HON. CHARLES S. FAIRCHILD, ex-Secretary of the Treasury; followed by PROFESSOR F. H. GIDDINGS, PROFESSOR JOSEPH FRENCH JOHNSON, and others.

## QUESTIONS FORMULATED BY THE LEADER :

What is the relation of the deposits in savings banks to the general business of the country? What are their advantages and disadvantages to the depositor and to the public?

Ought this form of investment to be made still more easy, or the contrary? Should not the depositors in savings banks be encouraged so as to invest their money that they shall consider it as invested and not deposited?

What forms of investment should be encouraged? Building and loan associations? Life insurance? Direct interest in real estate mortgages? Stocks and securities of business enterprises?

## Afternoon Session, 3 p. m.

Discussion: "The Duty of the Government toward the Investor."

Led by PROFESSOR ARTHUR T. HADLEY, Yale University; followed by SKIPWITH WILMER, Esq., Baltimore, PROFESSOR W. W. FOLWELL, and others.

## THESES FORMULATED BY THE LEADER :

1. The application to moderate corporate business of legal traditions established in the days of smaller industrial operations, results in practices which, while not technically fraudulent, have an effect on the investor analogous to that of commercial frauds.

2. (a) Some of these practices can be prevented by statutes providing for publicity of accounts.

(b) Others can be prevented by the prohibition of directors' contracts.

(c) Neither of these interferences in behalf of the investor would be likely to do any harm at all proportionate to the good to be expected from it.

3. Still other evils can be prevented by imposing on the promoters of new enterprises a special liability, civil and criminal, for the correctness of their representations; and in this case also the balance of good over evil which might be expected from a change, though less clear than in the two former instances, seems sufficient to warrant a movement in its favor.



THURSDAY, DECEMBER 31, Morning Session, 10 a. m.

I. "The Operation of the General Property Tax in California."

PROFESSOR CARL C. PLEHN, California State University.

II. "The Day Labor and Contract Systems on Municipal Works."

PROFESSOR J. R. COMMONS, Syracuse University.

III. "A Decade in Federal Railway Regulation."

MR. HARRY T. NEWCOMB, U. S. Department of Agriculture.

A marked feature of the meeting and one which seemed to meet general approval was the predominance of discussion. For the first time in the history of the Association an opportunity was afforded to discuss the annual address of the president. Professor Adams showed how the distinctive ideas of economics were based upon the conceptions, particularly as regards contracts, of the English system of jurisprudence. If in recent years there has been a tendency to drift away from the maxims of the older political economy it is in part because the conditions underlying contract relations which the English system of jurisprudence presupposes no longer exist. In every free contract, there must be assumed responsibility on both sides, and property which makes it possible to enforce such responsibility. In the modern economic world these conditions are only imperfectly realized. The growth of large industries, of corporations and trusts has introduced new factors, legal as well as economic, in the conditions of contract. The future may either overthrow the English system of jurisprudence, or adapt it more effectively than has yet been done to the changed conditions of economic life. It is in the latter path that, in Professor Adams' view, true progress lies, and to show its possibility, he made some tentative suggestions in regard to the probable character of future adjustments, especially as concerns labor contracts.

The discussion led by Professors Hadley and Giddings brought out some very interesting considerations upon the history and legal aspects of corporations, and the attitude of organized labor in labor agreements.

Unfortunately, the gentlemen who expected to lead the discussion of the agricultural question were unable to be present. The Association, however, took up an informal discussion, which was very acceptably opened by Professor W. A. Scott, of the University of Wisconsin. Otherwise the program of the meeting was carried out, though Professor Plehn's paper, in the absence of the author, was read by the secretary.

The discussions were full and interesting. It might have been remarked that there were few persons of any prominence at the meeting who were not heard upon some of the questions discussed. This gave a peculiar interest to the sessions and led to the feeling that the

meeting had been one of the most successful in the history of the Association.

For the incidental features of the meeting the local committee and the authorities of Johns Hopkins University made a most ample and satisfactory provision. The well-known hospitality of the city of Baltimore was most generously exhibited in behalf of the members of the Association, who will retain very pleasant memories of the cordial greetings extended to them. Among them the splendid banquet of the Merchants' and Manufacturers' Association will have a prominent place.

At the concluding session an appropriate expression of thanks was passed by the Association. At the same session a very hearty resolution of thanks to the retiring secretary, Professor Jenks, of Cornell University, was also passed. For a series of years Dr. Jenks has performed the duties of the office with a skill and fidelity which has won general applause, and it was with great regret that the Association learns of his wish to be relieved of the secretary's office. In his place the Association elected as secretary, Professor Walter F. Willcox of Cornell University. Otherwise no change was made in the list of officers, who were all re-elected.

The attendance at the meeting was large and representative, and the meeting was a decided success from every point of view.

## NOTES ON MUNICIPAL GOVERNMENT.

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### AMERICAN CITIES.

**New York.**—*The Greater New York Charter.\** The proposed charter for the Greater New York overshadows, for the time being, all other municipal matters. The manner in which the charter has been prepared is typical of the off-hand methods which prevail in the preparation and the enactment of our legislation, both state and national. The commission, appointed under an act of the legislature of 1896, to report to the legislature of 1897 a charter for the Greater New York was appointed June 9, 1896. In the early summer a few meetings were held and certain general propositions were adopted, but no comprehensive plan or framework was formulated. During the summer one member of the commission prepared with great industry a draft of a charter. This was reported to the commission's committee on draft on September 21. After that date the draft committee met from time to time, and at length, on December 9, reported a complete draft to the commission.

The first eight chapters of this draft were made public by the commission on December 24, with the announcement that public hearings would begin on January 2, and would continue for two weeks. During those two weeks, additional chapters were given out from time to time, as they were completed by the different lawyers to whom they had been referred. One or two important chapters have not yet been made public, and no information has been given out regarding the supplemental bills which may be of the first importance.

A recital of the details would show that the charter, as it has been promulgated by the commission, bears upon its face abundant evidence of the fact that it is largely the work of many different persons, each of whom has drafted some part, with little or no knowledge of the methods pursued by the others. These parts had been put together without adequate revision and with no thorough attempt to harmonize them. The result is not a unified instrument. This was inevitable; the time at the disposal of the commission was insufficient. This criticism must not, therefore, be taken as any reflection upon the industry or the ability of the commission.

The draft contains many provisions which are in their essence of a character to be covered by general, rather than by special laws.

\*Communication of James W. Pryor, Esq., Secretary of the City Club.

Thus, Section 10 of Chapter V contains detailed provisions as to civil service examinations. Many pages of the charter are filled with provisions of this character. The result would be to render it much more difficult to know and to apply the law, and to increase the great confusion and uncertainty which characterize all our statute laws. On the other hand, many of the provisions in the charter are essentially in the nature of ordinances, and could readily be omitted. Why, for instance, is it necessary to cumber the charter with a special provision like the following, while many similar cases are left to be dealt with in ordinances to be passed by the municipal assembly?

"Every dealer in second-hand articles and scalper in coal freights shall pay for a license a sum to be determined by the Municipal Assembly, not exceeding five hundred dollars. Dealers in second-hand articles and scalpers in coal freights may be required to give security to the city with one or more sufficient surety or sureties, in a sum not exceeding ten thousand dollars conditioned for the observance of the ordinances of the Municipal Assembly."—*Cap. II., sec. 33.*

A large part of the charter might be wiped out with no other result than to make it shorter and clearer. This could be accomplished by substituting for special provisions a general provision so drawn as to cover all the cases in that class.

The 900 pages of the draft of charter do not by any means limit the size of the proposed charter of the Greater New York. The draft contains between fifteen and twenty pages re-enacting in general terms many classes of existing laws. These laws thus become part of the charter, and must be included in any estimate of the bulk of the proposed charter for the Greater New York. It will be found that upon this basis the charter of the city would be certainly more than 2000 pages in extent, and probably not less than 3000.

The first few sections of several chapters and of the titles of Chapter X relate to general powers and duties of heads of departments, appointment of deputies and other subordinates, the establishing of bureaus, etc. The failure to reduce these various special provisions to comprehensive general provisions covering all cases of the same class, leaves many unnecessary pages of sections presenting differences and inconsistencies similar to those in the provisions as to appointment and removal.

The idea of stimulating the citizens' civic spirit through the formal operation of the municipal government within fixed local divisions seems to enter into the provisions as to boroughs and districts of local improvements. But the expression of the idea is so confused and so complicated with details of administration that it will hardly be valuable as an incentive to intelligent civic pride. The citizen will still live in unrelated districts of the following kinds:—police precincts,

wards, school districts, fire districts, sewerage districts, street-cleaning districts and aidermanic districts; besides boroughs, local improvement districts, council districts, and several minor administrative divisions. It is believed that police precincts and wards are continued as separate divisions by implication only; but it can not be stated certainly that the draft charter does not continue them expressly, either in the chapters which have been issued or in those not yet before the public.

It is impossible to deal fully at this time with the numerous provisions giving officers or boards power to make "ordinances," "rules," "regulations," and "by-laws." All these terms are used without any attempt to define or distinguish them. Section 27 of Chapter II, giving to the municipal assembly general power to make ordinances, is far from clear. Section 31 of Chapter II, enumerates a large number of matters in which the assembly is given specific ordinance-making power. Scattered throughout the charter are several additional specific provisions of this nature, and about forty provisions giving to officers or boards power to make certain rules, regulations, or by-laws, many of which would be distinctly of the nature of ordinances. These provisions have little coherence one with another, and it may be said confidently that careful revision of the charter throughout upon this subject would do much to simplify and clarify the scheme as to this most important power.

What has been said will make it obvious that the absence of a coherent plan, together with the general obscurity of the details, makes criticism of the fundamental provisions of the charter a difficult matter. It cannot be safely undertaken without a more careful study of the charter as a whole, than has been possible under the conditions described. That serious defects exist in these provisions will appear from the fact that it is proposed to provide for a "bi-partisan" police board, and that the municipal assembly would consist of two chambers, all the members of which are to be elected biennially from comparatively small districts.

**Chicago.**—*Civil Service Reform.* The annual report of the Civil Service Commission gives an interesting account of the operation of the new civil service law. Although the commission recognizes that a number of amendments will be necessary, the fear of legislative tinkering is so great that they prefer to have the law remain in its present shape rather than risk a reconsideration of the whole system by the state legislature. During the short period of its operation the new law has done much to place the civil service upon a much higher plane. "The most marked effect," say the Commissioners, "has been in relieving the mayor and heads of departments from the pressure of

applicants for office, thus leaving them free to attend to their most important public duties." Furthermore, the system of political assessments which had completely demoralized the service, is rapidly becoming a thing of the past, owing to the emancipation of officers from the patronage and favor of politicians. But the greatest advantage which the new system offers is the far-reaching influence on the administration of law. This is especially noticeable in the enforcement of the tax laws. Heretofore the assessment of real and personal property has been greatly affected by the proximity of elections; assessments being used as a means of exerting political pressure upon the individual voters. The extension of the classified service to this department has greatly decreased, if not wholly eliminated, this abuse.

**Massachusetts.**—*Civil Service System.* The Thirteenth Annual Report of the Civil Service Commissioners of Massachusetts gives a summary of the work of the commission for the year ending December 4, 1896. With each year the civil service rules are being further extended in state and local administration. The most important extensions made during the present year went into effect February 15, 1897, and include in the classified service, messengers in city service, superintendents and assistant superintendents not specially exempted by statute, civil engineers, draftsmen and other employes of the city engineer, and the aids of the state fire-marshal. An important element in the work of the commission has been the organization and management of the labor service of various cities, which has been classified and administered under civil service rules in Boston, Cambridge, New Bedford, Newton and Everett. A system of registration of eligible, able-bodied laborers is adopted, from which the city departments requiring such labor are supplied. In Boston alone, some 3230 men were registered during the year; 108 requisitions from various city departments were received, and certifications of some 2365 names were made. The system has proven equally successful in the other cities.

A question of great interest to most of the cities of the United States has been the subject of much discussion during the year. It involved the constitutionality of the law which requires the certification and appointment to any position in the classified service of any veteran soldier or sailor, whether examined or not, in preference to any examined person, not a veteran, upon the eligible list. A petition for mandamus was filed by an applicant upon the eligible list for the detective division of the district police force. The petitioner wished to compel the commissioners to restore and keep his name at the head of the eligible list, in preference to an unexamined veteran also on the list. The whole question was exhaustively argued before the supreme

court. The decision upheld the position taken by the petitioner, but the court was careful not to pass upon the constitutionality of veteran preference legislation. The decision confined itself to the declaration that "the legislature could not compel an appointing officer to appoint to a public office persons of a certain class in preference to all others, *without the exercise of any discretion and without proper determination of qualification.*" The possibility of appointing veterans without examination at the *discretion of the appointing officer* was thus left in doubt. In order to finally settle the matter, the governor and council called for the opinion of the justices of the supreme court upon this question. The provision in the civil service rules permitting the appointment of veterans without examination at the discretion of the appointing officer, was unanimously held to be constitutional. Upon the question whether the legislature can direct that veterans *must* be preferred for public office, the court was divided, the majority recognizing the existence of such a power. As a result of these decisions, the commissioners have drawn the conclusion that while the legislature can provide that preference be given to veterans qualified for the position, "no law or rule can oblige the appointment to a public office or employment of a veteran not qualified for its duties."

**Boston.\*—Municipal vs. Contract Work.** Mayor Quincy has taken strong ground in favor of the direct performance of city work rather than by contract. In accordance with his representations, and as a result of a conference with representatives of the Typographical Union, the city council has voted to establish a Municipal Printing Office, in which, as soon as the necessary preparations can be made, all the printing of the city will hereafter be done. This will be the first municipal printing establishment in the United States. It is believed that a considerable economy will be effected by the city doing its own printing.

Another new municipal institution for direct work established by Mayor Quincy is the electrical construction division of the public buildings department, which does all the electrical construction, supply, and repairs for the municipal buildings at a great saving over previous methods. An expert electrician was appointed chief of the division. All materials required for electrical work are purchased at wholesale, at the lowest possible prices, and carried in stock, and an efficient corps, able to handle the different branches of electrical work, has been organized. One function of the division is to inspect the use of electric lights in the various city offices with a view to check waste of the current. It has been suggested that this may prove the

\* Communication of Sylvester Baxter, Esq.

forerunner of a general construction department, akin to the Works Department of the London County Council, which would undertake all the extensive constructive operations of the city, fully equipped for the purpose. In view of the prominence taken by labor-interests in the establishment of public baths, the mayor proposes that all the work on the new public bath to be erected by the city be done by union labor, as far as practicable.

In his annual message the mayor urged the policy of systematic, properly located and equipped playgrounds, so that no ward should be without some place where children could play and open-air sports be carried on. He held that it would be far wiser for the city to expend \$400,000 for public baths and playgrounds in the coming year than to devote that amount to any other purposes, of however pressing a character. "The adoption of progressive and distinctive municipal policies of this nature," he said, "tends to bring the city government closer to the people, and to promote a civic spirit which will yield valuable results in many directions."

The Merchants' Municipal Committee, the informal advisory body constituted by the mayor, and familiarly called "the Mayor's Cabinet," has been such a success that the mayor recommends the legal constitution of such a body as a permanent Board of Commerce and Finance, representative of the organized business men of the city, to act as an advisory body to the mayor, the city council, and the general court.

The mayor also recommends the establishment of a statistical department by the city, in charge of an unpaid commission. He points to the valuable results from such offices in Berlin, Paris, and other European cities. He says: "Such a department should supplement the work already done in the line of statistical inquiry by the governments of the United States and of the commonwealth, supervise and systematize such work of this character as is already undertaken by other departments of the city government, such as the board of health, and also pursue special lines of investigation of its own. Another important feature of its work should be the systematic collection and tabulation of comparative statistics of other municipalities. An annual publication giving an abstract in proper form of all current statistical information relating to the city, such as is published by some European cities, would also be of great utility. Financial comparisons of the cost of work done or service rendered in different years, or in different cities, would be valuable in disclosing waste or inefficiency. One member of such a commission should be a business man skilled in financial analysis, and the city engineer should be a member, *ex-officio*."



A strong effort is to be made in the present legislature to have the various city institutions for the insane, for paupers, for children and for criminals, placed respectively in the charge of separate boards of trustees for each class. All of these are at present under a single commissioner. Not only is the work too extensive and complicated for one official to handle, but radically different methods of administration are required for each. Hence it is believed that a more rational, scientific and humane system will be developed.

The mayor strongly recommends this measure. In this connection he warmly praises the work of the new advisory board on public institutions. This board was organized last August with twenty members, representing the following organizations: Associated Charities, Boston Provident Association, Children's Aid Society, Citizens' Association, Committee of Council and Co-operation, Massachusetts Prison Association, Massachusetts Society for the Prevention of Cruelty to Children, Medico-Psychological Society, Merchants' Municipal Committee, Municipal League, Society of St. Vincent de Paul, Suffolk District Medical Society, Twentieth Century Club, United Hebrew Benevolent Association, and Young Ladies' Aid Society. The board was divided into four committees, of five members each, upon children's, insane, pauper, and penal institutions, respectively. Meetings of the whole board, at which the commissioner and the mayor together with the representatives of the institutions have been present, have been held once a month at City Hall, and formal reports, making valuable recommendations upon many important matters, have been presented from time to time by the different committees. The mayor holds that humanitarian management of the public institutions upon a scientific basis is not inconsistent with true economy. An important feature of the work of the year has been a thorough, scientific examination of the dietaries and cooking arrangements of the different institutions. The mayor expects that this investigation will be productive of excellent results, and possibly of some saving in the cost of subsistence. He says: "Modern chemistry is placing the whole matter of nutrition and cooking upon a scientific basis, and the city, which constantly feeds several thousand persons in its various institutions, should fully avail itself of the results of scientific inquiry in this field."

*Railway Subway.* The great subway, under construction by the city for the transfer of the street railway traffic from the surface underground through the congested district, has been leased to the West End Street Railway Company for twenty years, on terms that assure the payment of the interest and sinking-fund charges, so that the city gets this important work practically for nothing. It is also

provided that, when the number of cars daily passing through the subway exceeds a certain number, the city shall receive a toll of five cents for each trip; that is, ten cents each round trip. The lease conveys the right to sub-lease the subway for other purposes, such as the passage of wires, conduits, etc. The company is obliged to maintain the subway and deliver it at the end of the lease in as good condition as when it was received. The lease was made by the Transit Commission with the approval of the Railroad Commission. A lease for so long a period was strongly objected to by many municipal reformers.

**San Francisco.\*—*New Charter.*** Since the Consolidation Act of 1856 the government of the city and county of San Francisco, has been one until October of last year, when a majority decision of the state supreme court made it dual; transferring to the county, under the General County Government Act, all the offices not expressly reserved to the municipality by the Consolidation Act of '56. This ruling, defining the county clerk, sheriff, superintendent of schools, recorder, public administrator, assessor and coroner to be county officers; and the mayor, board of supervisors, school directors, auditor, tax collector and treasurer to be city officers, was subjected to a good deal of criticism from members of the bar, while to ordinary laymen it was simply bewildering. To them it naturally enough occurred that if there were to be any distinctively county officials, the supervisors would take first place.

The first result of the decision was a state of chaos. The General County Government Act provides that certain officials who have deputies and clerks, are to be paid fixed sums for their departments, out of which they are to pay their assistants. In San Francisco, the county clerk, for instance, has quite an army of deputies and clerks paid out of the city treasury, while his own salary is the same as is paid the heads of other bureau departments. A recent addition to the County Government Act extended the terms of county officials from two years to four years, while in San Francisco we have gone on electing all our bureau officials (excepting assessor) each second year.

When the supreme court took this view it was thought by some that if the county clerk, for instance, was judicially elected for an additional two years under the County Government Act, the other features of the act ought also to apply, and he should pay his army of helpers, or so many of them as he might find actually necessary under such a régime, out of his personal appropriation of \$4000 per year. The confusion which resulted from the decision, rendered

\*Communication of I. T. Milliken, Esq.

about three weeks prior to the November election, served to stimulate advocates of the proposed new charter to be voted upon at that election by the electors of the city and county. It was with a view to making the army of officials at the City Hall workers for instead of against the charter that it was seriously proposed to enjoin payment by the city of the salaries of these deputies and clerks. A succession of rather startling rulings in the last year or two have largely solidified sentiment in favor of some system of municipal government not so much dependent upon supreme court decisions. Discussion of the proposed charter in the last six months had developed some imperfections, a few errors, and some omissions. In spite of all efforts it was defeated at the polls. Probably the most potent factor in its defeat, was a few words in its provisions regarding public schools, as follows:

"The Board of Education shall not appoint any person to be a teacher in the primary or grammar classes of the schools of the city and county except upon competitive examination of those persons holding teachers' certificates, and who have been educated in the public school system of the State of California."

Discussion of this provision was very bitter—the Catholic church very generally claiming unfair discrimination against parochial and other non-"public" schools.

While the vote of the city was nearly 65,000, the total vote upon the charter was less than 34,000 with 2000 more against than for it. This total vote would have been considerably larger but for an unfortunate, though honest mistake in placing the charter at the head of the municipal ticket, but in such position that it was overlooked and taken as part of the caption to the ballot. An astonishingly large number of voters who were friendly to the charter missed their votes in that way, thus illustrating how easy it is to go astray when going into a booth with a ballot having more than 300 items from which to select.

Although the charter was rejected, an amendment to Section 6 of Article XI of the state constitution was adopted by the voters of the state. This section originally read as follows:

"Corporations for municipal purposes shall not be created by special laws, but the legislature by general laws shall provide for the organization, incorporation and classification, in proportion to population of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith, and cities and towns heretofore or hereafter organized, and all charters thereof framed or adopted by

authority of this constitution shall be subject to and controlled by general laws."

The amendment which was adopted by the voters of the state at the late election, changed this by interpolating after the words "shall be subject" the words *except as to municipal affairs*.

While the amendment was specially framed to prevent the legislature from interfering by general laws, with a charter which might be adopted by the electors of any city, and particularly of the electors of the city and county of San Francisco, it is plain to be seen that the failure of the charter to carry, contemporaneously with the adoption of the amendment and the said ruling of the supreme court, giving us a dual local government, has placed the municipality of San Francisco in an uncertain and in many respects unfortunate position. The amendment does furnish encouragement for another attempt to adopt a new charter. It is probable that the movement will be begun very shortly. A special election seems to be the only means of obtaining a clear expression of opinion on the question.

**Washington.**—*Returns from Franchises.* A recent communication from the assessor of the District of Columbia shows the return which the city of Washington is receiving from the companies enjoying municipal franchises. In examining the list of payments, it is interesting to note that Washington is one of the few cities receiving a return from telephone and telegraph companies. The payments of the street railway companies cannot be fairly compared with the returns in other cities, owing to the fact that the tax on gross earnings is, in many of the cities, a state tax; the license and other franchise returns being levied in addition by the municipalities. In the District of Columbia, this tax on gross earnings and capital stock is at once a state and local tax. The returns for the year 1896 are as follows:

CORPORATE TITLE.	ASSESSMENT.		Rate of Taxation.	Tax.
	Capital Stock.	Gross Earn'g		
Anacostia & Potomac River Railway Co. . . . .		45,905	2 per cent	\$ 918.10
Brightwood Railway Co. . . . .		37,746	4 "	1,509.85
Capital Traction Co. . . . .		797,092	4 "	31,883.68
Columbia Railway Co. . . . .	283,897		\$1.50 per 100	4,258.46
Eckington & Soldiers' Home Railway Co. . . . .		111,464	4 per cent	4,458.56
Georgetown & Tennyaltown Railw'y Co. . . . .		26,109	4 "	1,044.36
Metropolitan Railway Co. . . . .	790,620		\$1.50 per 100	11,859.30
Chesapeake & Potomac Telephone Co. . . . .	30,000		1.50 "	450.00
Western Union Telegraph Co. . . . .	21,000		1.50 "	315.00
Washington Gas Light Co. . . . .	1,154,341		1.50 "	17,315.12
Georgetown Gas Light Co. . . . .	99,442		1.50 "	1,491.63

Total Payments of Railway, Telegraph and Telephone Companies, \$75,504.06

**Cleveland.\*—*The City Charter.*** Prior to 1891, Cleveland suffered from a total lack of unity or system in the machinery of administration. The legislature, from time to time, at the instance of local politicians or because of the demands of some temporary exigency, had superimposed upon the customary framework commission after commission entrusted with certain specific functions. Some were appointed by the governor, some by the mayor and others were chosen directly by the people. As a consequence, there was an overlapping of duties and functions, a hopeless lack of personal accountability and inability on the part of the public to trace responsibility for shortcomings. In 1887 the evils had grown so flagrant that the Board of Trade took the matter of reform in hand and drafted a charter. At once the enginery of the politicians was set in motion to secure the defeat of the measure, and for some time they were successful. In 1890, through one of those changes in the complexion of politics, so frequent in Ohio, a Democratic legislature was chosen, which at the instance of local politicians, aided by the press and backed up by the Chamber of Commerce and the public sentiment of the city, passed a measure which forms the present political framework of the city.

This is what is known as the "Federal Plan," which was adopted by act of the legislature, March 16, 1891. This measure secures:

1. The enlargement and concentration of responsibility in the mayor, aided by six departments, to wit: Public Works, Police, Fire, Accounts, Law, and Charities and Correction. At the head of each department there is appointed by the mayor, by and with the advice and consent of the council, a director, who serves during the term for which the mayor is elected, *i. e.*, two years. The mayor and heads of the departments constitute the Board of Control, and have exclusive executive power and authority within the city, in their respective departments. They receive liberal salaries and are required to devote their entire time and attention to the city's affairs.

The Board of Control, consisting of the mayor and the heads of the six departments, including the director of law, is the real executive head of the city, and corresponds roughly to the administrative arrangement in vogue in German cities. The Board of Control, in addition to matters germane to its several departments, has general powers of revision of ordinances which are referred to it by the Common Council. It may approve, modify or substitute ordinances, and defend the same on the floor of the council chamber, but its powers are only consultative as its members have no vote in the council chamber. As a matter of fact the mayor has come to be

Communication of F. C. Howe, Esq.

regarded as the central figure of the system. Being entitled to a seat with his directors, in the weekly meetings of the council, he is able generally, by the judicial distribution of patronage and other means, to so influence legislation as to practically formulate and execute any policy which he desires.

The legislative department of the city is single chambered. It consists of twenty-two members, elected by districts, who serve for the term of two years, one member from each district being chosen each year. Municipal elections are held in the spring and are wholly separated from state and national elections which occur in the fall. By this means the issues are clearly raised and spirited contests usually result. The mayor enjoys the right of veto over all legislation, subject to the passage of the same over his veto by a two-thirds vote.

Despite the improvement which has come about since the adoption of the new charter, it is manifest that city government is a problem of men, not of system. Hardly had the system been put into operation when it became an object of suspicion. Drafted with the idea of obtaining relief from outgrown commissions, it was soon seen that it failed to offer all that was expected of it. Refuge was again sought in the voluntary citizens' commission, and the Sinking Fund and Park Commissions have since been created and filled with citizens of irreproachable character and devoted to the public interest. Under the Park Commission, Cleveland is developing a magnificent park and boulevard system, and the city has been enriched by gifts which give the city a continuous park system in the east end.

While charges of wholesale corruption have not been made against officials and while a higher grade of officials have been chosen than in many of our municipalities, there has been a growing restlessness for several years because of the dominion of politicians, ring contractors, dishonest franchise granting and the spoils system. This spirit developed into the Civic Federation in 1894, which endorsed candidates in the spring election of 1895, was unsuccessful and has since ceased to exist. Nothing by way of voluntary association was done from then until December last, when there was organized among the business men of the city an organization known as the Municipal Association, whose objects as set out in the constitution are as follows, to wit:

"To disseminate instructive information relative to the government of the city of Cleveland; to devise and advocate plans for its improvement; to promote business-like, honest and efficient conduct in municipal affairs; to promote the choice of competent officials; to encourage faithful performance of public duty; to secure the enactment and enforcement of laws for the economical, intelligent and progressive management of the affairs of the city government."

The association is open to all citizens or taxpayers, and the membership fee is \$1.00. It does not aim to be representative of wards or

districts. It is governed by a general committee of fifty chosen by ballot from all the members of the association, and more directly by an executive committee of ten. It has a paid secretary, commodious meeting rooms in the central part of the city, and in the coming spring election proposes to disseminate information through the press and its own publications relative to the character and qualifications of candidates for office. Efforts are being made with considerable success to enlist the co-operation of the working classes and to bring before the attention of the people the necessity of civil service reform. The city has suffered greatly from the spoils system, and the various allied societies of the city contemplate a vigorous campaign before the next legislature to secure the passage of a civil service law based on the merit system.

An examination of the Departments of Public Works, Charities and Correction and Police shows the extent to which the power of removal of employes in these departments during the year 1895 has been exercised. From this it appears that out of a total of 468 persons whom the directors had unrestricted power to remove all but 110, more than three-fourths, were removed that year from the city service.

The coming spring campaign is of special importance to the city from the fact that the incoming administration will probably be called upon to grant a franchise to the combined street railway systems of the city under the so-called Rogers Law, which provides for an extension of existing franchises for fifty years on terms of universal transfer. The statute further provides for a reappraisal of the value of the franchise at the end of twenty years and each fifteen years thereafter. Candidates are being asked to express themselves as to their position upon the railway question, and certain ward Republican organizations have pledged their candidates to accede to no terms less than four cent fares and 25 per cent of the gross receipts, while several Democratic candidates have announced themselves in favor of municipal ownership of the entire system. This promises to be the prominent issue in the campaign, as the labor organizations have quite uniformly arrayed themselves on the side of municipal ownership. As they form a large and uncertain voting element, they are likely to play an important part in the campaign.

*The City's Gas Charter.*—Since 1891 the city has been relieved from recurring charges of corruption relative to deals between the city officials and the two gas companies in the city. At that time the city council undertook to reduce the price of gas to consumers to sixty cents per 1000. The matter was carried to the courts, who held that the city possessed the right to regulate charges for gas, but that such regulation must be reasonable. As a result of the controversy the

gas companies proposed by way of settlement, that for ten years the price of gas be eighty cents per thousand cubic feet, that the companies pay six and one-half per cent of the gross receipts from sales of gas into the city treasury. It was further provided that the companies make sworn statements every six months as to their receipts, and keep proper books showing in detail the quantity of coal and other material consumed, number of cubic feet of gas manufactured, number of meters in use. The books were to be open to the city auditor, and the city was authorized to appoint at any time a competent person to make a thorough investigation of the books. The gas must be of merchantable quality of not less than eighteen candle power, to be determined by monthly average of semi-weekly tests.

The companies also agreed to assume all of the court costs arising from litigation.

Since the passage of this ordinance, the city has enjoyed excellent gas service; the corporations have been able to declare regular six per cent dividends, and the public press has been free from the recurring charges of bribery and corruption so prevalent during the preceding years when the gas company was the favored object of assault. During the three years extending from 1893 to 1895 the receipts to the city from the six and one-half per cent payment of gross receipts has been as follows:

1893 . . . . .	\$42,113.00
1894 . . . . .	45,044.48
1895 . . . . .	50,445.96
Total . . . . .	\$137,603.44

**Buffalo.\*—Good Government Clubs.** Last winter the constitution of the Council of Confederate Good Government Clubs, of Buffalo, was amended so as to extend its sphere of activity to matters affecting the county of Erie as well as the city of Buffalo. The reason for this extension was that many of the county institutions, such as the almshouse, penitentiary and jail, are located in Buffalo, and there was reason to believe that great laxity, if not corruption, prevailed in their management. A committee of fifteen was appointed to investigate the management of the almshouse in particular, and their studies were quietly continued during the summer. The first results of the investigation have just been made public through an investigation held by the Police Court of Buffalo, upon information made and sworn to by a member of this committee, which alleged fraud, grand larceny and perjury on the part of eight members of the Board of Supervisors. The supervisors concerned have been arrested and held to bail for the action of the grand jury. The counsel of the Good Government

\*Communication of A. C. Richardson, Esq.



Clubs assert that this is only the beginning, and that much more interesting facts will soon be brought to light. These discoveries are regarded as extremely opportune, for the election next fall will be exclusively municipal—the first of the kind since the new state constitution took effect. It is connected with county affairs, however, by the choice of a supervisor for each ward of the city. The Good Government Clubs took no part whatever in the last election, as no municipal issues were involved, but their great opportunity is at hand. Their organization has been maintained, and it will probably lead to better nominations on both sides than usual.

*Public Schools.* A bill has been introduced into the legislature abolishing the "annual contract" system for teachers in the public schools. If it becomes law, all appointments hereafter will be of indefinite duration, and the removal of a teacher will be a positive act on the part of the superintendent, for which he must place reasons on file in his office. He will no longer be able to remove good teachers by simply omitting to renew their contracts, as heretofore, nor to retain poor or unfit ones under the excuse of a contract. The teachers, moreover, will be relieved of the annual uncertainty about the retention of their positions, which naturally causes great anxiety toward the close of the school year.

#### FOREIGN CITIES.

**English Cities.**—*Municipal Legislation.* With each succeeding year legislation for cities is demanding the attention of the committee of Parliament to an increasing extent. Were it not for the system of private bill legislation, under which the greater part of such bills are classed, little time would remain for the more general public work of Parliament.

In a recent summary of such legislation now before Parliament,\* the great diversity of interests involved is clearly shown. It illustrates at the same time the rapidity of the extension of municipal functions throughout England. At the present time, the movement toward municipalization of tramways is especially noticeable. The success of Glasgow, Huddersfield, and the more recent experience of Sheffield in direct municipal operation, and the likewise favorable results obtained by Manchester, Birmingham, Leeds and Bradford, where a combination of municipal ownership of the lines and rental of operation has been adopted, have acted as an incentive to other cities. Liverpool, Manchester, Southampton, Swansea, Birkenhead, Leicester, York and Nottingham have applied for power to operate

\* *London*, January 21, 1897, p. 33.

directly the street railway system of their respective districts. Bradford, Halifax, Blackpool, Leeds, Bolton, Morecambe, Sheffield, Salford, Moss Side, Newport, Rathmines and Reading have applied for power to make extensions, and to change the motive power to electricity.

A great number of bills asking for power to establish a system of municipal electric lighting have been introduced. Some twenty-five municipalities are anxious to establish municipal electric light plants. Again, five municipalities have signified their intention to take advantage of the municipal lodging-house provisions of the Housing of the Working Classes Act. Model dwelling houses are to be constructed in a large number of cities, the present plan of Edinburgh being probably the largest of the series.

**Glasgow.**—*Street Railway System.* A report recently presented by a sub-committee of the Tramways Committee, presents a description of street railway traction and operation in the leading American cities. Before deciding upon the change of motor power from horse to cable or electrical traction, the Town Council empowered the Tramways Committee to send a delegation to the leading cities of the continent and to the United States, to examine into the street railway systems of the larger cities. Early in 1896 an elaborate report on the street railway systems of continental cities was presented; the present report represents the results of the committee's investigations in the United States. The experience with the different systems of traction is examined with great care. In its conclusions the committee decides in favor of the overhead electric system. As a result of such a change, 50 per cent could be added to the time-table speed, with a reduction of at least 15 per cent in cost of operation. Examining this question from the point of view of the needs of the city, the necessity for a system of rapid transit is conceded without dissent. Historical causes, combined with the undeveloped condition of railway communication, have led to a congested condition of all the larger cities of England and Scotland; this is especially true of Glasgow, where, in some parts, the density of population is greater than in any of the continental cities. The city has been expending large sums in clearing these unhealthy areas. The high price of the property thus cleared makes it impossible to construct thereon dwellings suitable for the laboring classes; as a result, the displaced population tends to overcrowd adjacent central districts. One of the first effects of an improved system of communication with one, two and three cent fares, will be to spread this population in the suburban districts, especially if the municipality adopts the policy now in contemplation of building laborers' dwellings in these outlying districts.

**Birmingham.**—*Housing of the Working Classes.* The activity of English municipalities under the Housing of the Working Classes Act continues with unabated vigor. Additional powers are being continually asked for from Parliament. During the year 1897, the city of Birmingham proposes to carry out a large scheme for the extension of the municipal model-dwelling system. Recently a series of tenements containing 103 dwellings has been completed. The one great difficulty with which all municipalities have had to contend, has been to provide sanitary tenements for the lower class of unskilled laborers, the class unwilling to expend more than three or four shillings a week in rental. For this class the city has, as yet, done nothing. A recent decision of the council has brought the municipality face to face with this problem. Dwellings arranged on the tenement plan, containing two bedrooms, a living room and a scullery, are to be erected at a cost of over \$30,000. The rentals are to range from 3s. 9d. to 4s. 3d. per week. The council proposes to begin on this small scale as an experiment, to be extended if successful. It is to be noted that in dwellings of this character, most of the English cities have abandoned the idea of obtaining anything like the ordinary rate of interest on the investment. For instance, in this particular case the site is not included in the capitalization upon which return is expected.

## SOCIOLOGICAL NOTES.

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**Department of Public Charities in New York City.**—There is in New York an active private organization, known as the New York County Visiting Committee, which has for its object the regular and systematic visiting of all the wards of the New York City institutions under the control of the Commissioners of Public Charities and Correction, with a view to the mental, moral and physical improvement of the inmates, and to bring about such reforms in these institutions as may be practicable. This committee is composed of men and women who devote their time to the work, pay their own expenses, and contribute in addition a membership fee of \$2.00 per year which defrays the general expenses of the committee. It works under the control and by the direction of the State Charities Aid Association, of which it forms a part and to which it makes monthly and annual reports. The committee is sub-divided into an executive committee and a large number of special committees for the supervision of different institutions and of particular wards within each of these institutions. It was the State Charities Aid Association which was largely instrumental in securing the passage of a law, separating the administration of the charitable institutions of New York City from that of its penal institutions. Such an act became law on March 11, 1896, and took effect immediately. In making its annual report to the State Board of Charities, the State Charities Aid Association prepared an elaborate statement for the year ending October 1, 1896, of the condition and historical development of the various institutions under its inspection. This report has been adopted by the New York County Visiting Committee as its Twenty-fourth Annual Report, and may be obtained from the State Charities Association, United Charities Building, New York City.

In the historical sketch for the period from 1816 to 1896, it is stated that during the first half of the present century the policy of New York City seemed to be to associate its dependents and its criminals more and more closely. An almshouse and a prison were erected in 1816 on the ground where Bellevue Hospital now stands, and a city hospital was added to these institutions in 1826. A penitentiary was erected on Blackwell's Island in 1826, and in 1848, in order to furnish additional hospital facilities, a hospital was built in close proximity to it. A new almshouse was built in the same year on Black-

well's Island just above the penitentiary grounds, and the workhouse for minor offenders, established in 1849, was placed between the almshouse and the lunatic asylum which had been erected near the upper end of the island in 1835. Frequent interchange of services, in the form of work performed by such inmates of the almshouse and prisons as were able to do any work, took place, and a certain measure of economy combined with very inefficient service characterized the administration of this heterogeneous group of institutions.

About 1850 public sentiment was aroused and demanded the gradual withdrawal of prisoners to the correctional institutions in which they properly belonged, and the substitution of paid help in charitable institutions. Still, in 1875, the New York County Visiting Committee in its Third Annual Report, stated that "the pauper children at Randall's Island, 1200 in number, are placed in daily contact with the most abandoned women of the city, women convicted in the police courts for drunkenness and debauchery, and sentenced to the workhouse for six and three months." Soon after the date of this report, the legislature directed public authorities to adopt the placing-out system in the care of children, and stipulated that the city should not retain in its charge any children, sound in mind and body, over two years of age.

It has been found that under the oversight of competent employes, the insane inmates may be allowed a sufficient amount of freedom to do a large amount of the work connected with the asylums, and thus prisoners have been gradually withdrawn from the asylums, not only from the wards, but from the laundry, kitchen and elsewhere. On October 1, 1895, although the inmates of the penitentiary were no longer sent to the other institutions except occasionally when carpenters, mechanics and plasterers were needed, large numbers of workhouse prisoners, both male and female, were still transferred to the hospitals and utilized as night watchmen, cleaners, kitchen and laundry help, clerks, messengers, etc. The population of the department had increased from 5405 in 1850, to 16,649 in 1895, and the three seats of institutions, charities, prisons and asylums for the insane, remained under a common administration and drew their funds from a common treasury. The new law provided that after the first of January, 1896, correctional institutions should be placed in a separate department, and that prisoners should not be employed in any capacity whatever in the wards of any hospital. This was as far as it was thought wise to go for the present in prohibiting prison labor in charitable institutions.

The legislation secured last year provides also that the state shall

assume the care of all the dependent insane of New York City, numbering about 6800. The separation of charities from correction and this transfer of the asylums for the insane to the state, leaves the Department of Charities with a population much less than one-half of the former Department of Public Charities and Correction. The number of inmates and employes in institutions under the Department of Public Charities and Correction on October 1, 1895, was 17,213, and the number (not including workhouse helpers) in the institutions under the Department of Charities on October 1, 1896, was 6744, and in institutions under the Department of Correction, 3614.

The results of the separation of charities from correction that were confidently expected were, first, larger appropriations for the charities and, as a consequence, better food, better nursing, better clothing, better buildings; second, a closer supervision over each institution leading to better order and cleanliness, a larger measure of comfort for the inmates and greater economy of administration; third, a better comprehension of the principles which underlie the administration of charity resulting in more rigid investigation of applicants for relief, better classification of inmates, and the encouragement of self-respect and self-support instead of the fostering of pauperism.

The report of the State Charities Aid Association shows that this was "a fundamental change which made possible and prepared the way for more efficient administration in every direction. The full fruition of such a movement could not, under any circumstances, be realized in a single year. It has happened that during the past year several circumstances have delayed certain improvements which might otherwise have been realized in even so short a time. Among these obstacles have been the failure of the city to sell its bonds, resulting in delay in providing new buildings; the necessity for radical alterations in the steamboats which delayed for half a year the use of separate boats by the departments; and the lack of suitable sleeping quarters for paid employes for the wards of hospitals. . . . We are able within the first year to report that the beginnings of nearly all of these desirable improvements have been made or are already in sight."

Mr. Homer Folks, the Secretary of the State Charities Aid Association, who signs this report on behalf of his association, has in addition to the material just discussed, furnished in this report a careful examination of all these points in detail, considerable statistical information, the text of the new laws for the separation of the departments, and the concise statement concerning each institution under the supervision of the association.

# **College Settlement Kitchen and Coffee House in Philadelphia.**

—So many interesting problems arise in connection with the efforts made to furnish the poor in large cities with proper and nutritious food, and more especially with the efforts to teach them how to provide the same for themselves, that the experience of the so-called scientific kitchens is of exceptional importance. The Philadelphia Kitchen, like others, is conducted on strict business principles, and is in no sense a charity. In general, however, it finds it difficult to compete with the low-class eating houses, and, at the same time, do an educational work in convincing its patrons of the kinds of food they should eat. The educational work must always be the more important, if the scientific kitchen adheres to its mission, even though the business results are sometimes discouraging.

In the First Annual Report of the Philadelphia Kitchen, it is stated that 21,332 penny lunches were sold during the year; 1079 meals in the month of February, and 2928 in June. An analysis of the customers in the month of June is given as follows:

1041 colored men	290 colored women
1239 white men	314 white women
44 foreigners.	

It may be stated that the kitchen is located in a section of the city with a large colored and foreign population, but that the foreign population is largely Hebrew.

Professor Atwater gives the following analysis of necessary food elements based on his investigation :

	<i>Proteids.</i>	<i>Fats.</i>	<i>Carbo-hydrates.</i>
American laborer at hard work . . . . .	5.3 OZS.	5.3 OZS.	17.6 OZS.
Working woman . . . . .	3.5 "	3.5 "	12.7 "
Child of five years . . . . .	1.9 "	1.4 "	8. "
Children between 6 and 12 years . . . . .	2.6 "	1.5 "	11.4 "

With these tables in view, the following is given as a sample menu by those in charge of the kitchen:

## **BREAKFAST.**

Corn-meal Mush, with Milk,  
Coffee, with Milk and Sugar.

## **DINNER.**

Irish Stew of Beef and Potatoes, flavored with Onion.  
Bread. Boiled Rice, with Sugar.

## **SUPPER.**

Baked Pork and Beans.  
Bread.

It should be said that this menu is intended for a family consisting of five persons—father, mother and three children, aged, say, five,

eight and ten years, for which, according to Professor Atwater's estimates, there is needed daily:

<i>Proteids.</i>	<i>Fats.</i>	<i>Carbo-hydrates.</i>
15.9 ozs.	13.2 ozs.	61.1 ozs.

The following table gives the quantities of material, the analysis of each article, and the approximate price:

ARTICLE.	Amount.	Proteids.	Fats.	Carbo-hydrates.	Approximate cost.
		<i>Ozs.</i>	<i>Ozs.</i>	<i>Ozs.</i>	
Corn meal . . . . .	1 lb.	1.57	.60	9.75	\$ .025
Milk (quart) . . . . .	2 "	1.16	1.22	1.64	.07
Beef (flank) . . . . .	2 "	5.31	1.02	...	.16
Flour . . . . .	2 "	3.84	.48	22.88	.05
Potatoes . . . . .	2 "	.64	...	6.72	.05
Rice . . . . .	½ "	.59	.03	6.35	.035
Onion . . . . .	one.	...	...	...	.01
Sugar . . . . .	½ lb.	...	...	7.92	.03
Pork . . . . .	¾ lb.	.36	9.37	...	.075
Beans . . . . .	1 lb.	3.68	.32	8.55	.05
Coffee . . . . .	2 ozs.	...	...	...	.04
Total		17.15	13.04	63.81	
Required . . . . .		15.9	13.2	61.1	\$ .95

The beef used for the stew is cut from the flank. The bread is home made, one pound of flour making a pound and a-quarter loaf, the flour being purchased by the fifty-pound sack. The cent's worth of onions used for flavoring is not analyzed as its food value would be small. The coffee contains no nutritive element whatever, but the milk and sugar used are reckoned. The fats fall about two-tenths of an ounce below the required standard, but this is more than balanced by the excess of proteids and carbo-hydrates. Miss Katharine B. Davis suggests in connection with this report, that while large variations should be avoided, slight deviations must occur from day to day.

**Statistics of Charities in London.**—*The Charity Organization Review* of London, gives in its January number, which begins a new series and a new volume of this publication, the following summary taken from Howe's Annual Statistics, dealing with the charitable statistics in the metropolis. The approximate income of charities having headquarters in London, is stated to be £5,659,420. This includes missions, Bible societies, and church and chapel building funds, which estimated at £2,496,147, leaves a balance of £3,163,273 for charitable institutions and agencies. Out of 996 agencies reported, 229 omit to state their income. These figures, in general, must be taken as only approximate, because in addition to this omission the ordinary charities of church and chapel and the volume of personal almsgiving are not included.



The bill for medical and surgical relief is reckoned at £874,835, but the magnitude of this department can perhaps be illustrated better by other figures. The number of hospital beds (not all occupied) is 9637, in addition to 13,104 beds in Poor Law infirmaries, and 6014 in hospitals under the Metropolitan Asylums Board. Institutions are also in course of construction which will contain 1048 more beds.

The number of in-patients treated at voluntary hospitals was 96,572, the number of out-patients treated at 115 hospitals and 47 charitable dispensaries was 1,799,966. The number treated at the Poor Law dispensaries cannot be exactly stated, but 132,645 medical orders were issued in 1895. Each of those orders may represent an individual or several members of a family. Reckoning them all as single orders, we get a grand total of 1,932,611 persons, or upwards of 43 per cent of the population treated in the course of the year in out-door casualty departments. No doubt some of these are country patients seeking special advice, and some patients are counted several times as they wander from institution to institution; but when all allowances are made, the total remains enormous.

The Charing Cross Hospital is making a special appeal for £100,000, in which it is stated that "the present income is hopelessly inadequate. The hospital has no reserve fund, and its buildings are heavily mortgaged." Other hospitals are in like straits. On the other hand, general practitioners complain that the out-patient departments rob them of their patients, and it is notorious that a good deal of charitable money is wasted upon private adventure hospitals. What is obviously wanted is better organization of the medical charities, and the establishment of a representative Central Board commanding the confidence of the hospital authorities and of the general public.

**Co-operation in England.**—The Twenty-eighth Annual Co-operative Congress, held at Woolwich on May 25 to 27, 1896, brought together the latest reports of the condition of co-operation in England, and the published proceedings of this congress make a good-sized volume.

The report of the Central Co-operative Board usually gives a good summary of the existing status of the movement. The analysis of the registrar's returns for 1894 shows more complete statistics than for preceding years. The total number of distributive societies in England and Wales, according to this report, is 1179, and productive societies 130. There are 3 classed as miscellaneous, making 1312 in all, with a total membership of 1,068,961 persons. The sale of goods amounted to more than £39,000,000, netting over three and a half million pounds profit. Of the productive societies, those engaged in

manufacturing are the most numerous, constituting two-thirds of the total; 23 of these are engaged in wood and metal work, and 31 in leather goods.

Scotland reports 316 distributive societies and 7 productive ones, and in Ireland there is a total of 42 societies. In addition to these societies for carrying on trades and industries, there are 86 societies in England and Wales, 8 in Scotland, and 1 in Ireland classed as Societies for Carrying on Business, and also 96 societies in England and Wales and 17 in Scotland classed as Land and Building Societies. The grand total for Great Britain and Ireland for 1894 and 1895, respectively, is summed up as follows:

	No. of Societies.	Members.	Shares. £	Sales. £	Profits. £	Invest- ments. £
1894.	1,674	1,343,518	15,006,663	49,985,065	4,911,299	7,780,452
1895.	1,711	1,414,158	16,164,667	52,512,126	5,397,582	9,661,420

The totals for 1895 are made up as follows:

	Members.	Shares.	Sales.	Profits.
Wholesale Societies . . . . .	1,316	805,456	13,591,378	337,224
Retail Societies . . . . .	1,314,093	14,138,107	34,224,815	4,892,713
Productive Societies . . . . .	25,839	695,822	2,238,641	106,749
Supply Associations . . . . .	72,775	524,741	2,391,577	60,441
Special Societies . . . . .	144	541	65,715	455

The special committee on profit-sharing and conciliation reported that it had made a systematic attempt to fix a hard and fast line as to what is profit-sharing, and how it is to be carried out. It states that in its opinion there are many ways in which an equitable alliance between the worker, the consumer and the capitalist may be brought about, and to this end the committee recommend that the congress adopt the following as a basis for general agreement:

"I. That the object of co-operation is to utilize the capital of co-operators by employing it in co-operative industry for the production and distribution of all the requirements of co-operative societies and the public generally under equitable conditions as regards labor and remuneration.

"II. That in connection with all co-operative enterprises, whether distributive or productive, there should be set apart some portion of the profits as they arise, for the purpose of making some provision for the workers over and above such remuneration as they would receive in ordinary competitive workshops.

"III. That such portion of the profits may be used for the benefit of the workers, either (1) by way of increasing their remuneration; (2) by enabling them to become shareholders; (3) by providing superannuation or pensions in old age, under such conditions as the society concerned may fix from time to time."

The report also states that the following is a list of the new pamphlets which have been published since the last congress:

"Presidential Addresses at Huddersfield." No. 1.

"Co-operative Agriculture," by Mr. D. M'Innes. No. 2.

"The Machinery of Our Movement," by Miss C. Webb. No. 3.

"The Co-operative Insurance Company," by Mr. J. Odgers. No. 4.

It is also stated that the committee is engaged in the compilation of a new and improved edition of the "Co-operative Directory," which it is hoped will be ready by the end of the year. A list of the publications which are sold and given for the purpose of furthering the co-operative movement, is included in one of the appendices to the report of this committee.

**Association of Collectors of Cigar Clippings in Berlin.** \*—Such a society, known as the *Verein der Sammler von Cigarren Abschnitten*, was founded in 1865. The members have placed boxes in various public places, especially in cigar stores, for the preservation of the ends which are cut off cigars. These are gathered up periodically and sent to the headquarters of the society. At the present time from five to six hundred kilograms of these clippings are received yearly, and are sold at a price varying from fifty to sixty marks for fifty kilograms. The cuttings are sent to seaports and sold to sailors for pipe tobacco. The object of the saving and collection of this otherwise waste product, is a charitable one, and from the proceeds Christmas gifts are sent to some fifty or sixty children of poor people in Berlin. The articles sent consist chiefly of clothing and other useful things. Beside the operations of this society, cigar clippings are collected for at least one orphan asylum in another part of Germany.

**College Courses in Sociology.**—In the second volume of the Report of the Commissioner of Education for 1894-95, is to be found a reprint of an article by Daniel Fulcomer, which has appeared also in the volume of Proceedings of the Twenty-first National Congress of Charities and Correction, 1895, on "Instruction in Sociology in Institutions of Learning." One hundred and forty-six colleges and universities replied to the inquiries sent out by the author, and twenty-nine of these have regular courses in Sociology, using the word in the lower sense to include Charities and Correction; while twenty-four have Sociology proper, defining the term as the Study of Society. A historical sketch of the growth of studies in this line and the interest manifested in their election by students is given; also, there is some description of the courses and a more detailed analysis of those courses dealing with Charities and Correction, and in conclusion, statistics relating to most of the colleges of the country.

\* From information received from Dr. Ernst Freund, of Berlin.

**Negro Education.**—The second volume of the Report of the Commissioner of Education for 1894-95 contains also two chapters devoted to the question of Negro Education. The first one, entitled "Education of the Colored Race," is a historical and statistical review of the schools and colleges which exist chiefly for negroes. To this chapter is appended the text of Booker T. Washington's address on "Industrial Education of the Blacks," made at a dinner in honor of Alexander Hamilton, in Brooklyn, N. Y., January, 1896, and also the text of an address delivered before the American Baptist Home Mission Society at Asbury Park, N. J., May 26, 1896, by Dr. Edward C. Mitchell, of Leland University, New Orleans, La. His topic was "Higher Education and the Negro."

The second chapter referred to is entitled, "The Slater Fund and the Education of the Negro." It is a compilation of the material presented in the six "Occasional Papers," which have been published by the trustees of the John F. Slater Fund. These papers are as follows:

- I. "Difficulties, Complications and Limitations Connected with the Education of the Negro." By J. L. M. Curry, LL. D.
- II. "Education of the Negroes since 1860." By J. L. M. Curry, LL. D.
- III. "Occupations of the Negroes." By Henry Gannett.
- IV. "A Statistical Sketch of the Negroes in the United States." By Henry Gannett.
- V. "Memorial Sketch of John F. Slater."
- VI. "Documents Relating to the Origin and Work of the Slater Trustees, 1882 to 1894."

**Negro Department of the Tennessee Centennial.**—The success of the Negro Department of the Atlanta Exposition has led to a well-organized effort which is being made to make a similar department a striking and helpful feature of the Tennessee Centennial, which opens May 1, 1897. Among the negro officers in charge are: Richard Hill, Chief; W. L. C. Moseley, Secretary of the Executive Committee, and Mrs. J. C. Thompson, President of the Woman's Board. Mr. Hill has already begun, with the January number, the issue of a Negro Edition of the *Centennial News Bulletin*. This Bulletin contains much information concerning the negro in the South which will interest those who study the negro question. Those who desire to take any part in the organization of this department, or the furthering of its aims, should communicate with Mr. Hill at Nashville, Tenn.

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GENIUS, FAME AND THE COMPARISON  
OF RACES.

Genius is that aptitude for greatness that is born in a man; fame is the recognition by men that greatness has been achieved. Between the two lie early nurture and training, schools, the influence of friends and books, opportunities, and, in short, the whole working of organized society upon the individual. One is biological, the other social; to produce geniuses is a function of race, to allot fame is a function of history.

The question I propose to consider is, What is the relation between these two things? Does genius always result in fame? If not, why not, what determines whether it shall or shall not do so? These, in a general way, are the inquiries which suggest themselves, and which one would like to answer. I shall be well content if, without attempting to answer them fully, I can bring forward facts or reasoning that shall throw any light upon the matter whatever. That the question is a great one I think no one will doubt for a moment. It is a part of that larger question which is, from one point of view at least, the very root

problem of sociology, of history, perhaps of psychology, the question, that is, of the mutual relations between the individual and the social order, of how society makes the man and of how the man makes society. Although the "great-man-theory" of history, as taught by Carlyle and others, may not be entirely tenable, yet it is quite plain that recent studies in imitation, suggestion and the like have established more firmly than ever the fact of the momentous influence of remarkable men upon the progress of mankind.

One who wishes to work at this subject in as exact and verifiable a manner as its nature permits may well start, I think, from the writings of Francis Galton, and particularly from his great work on "Hereditary Genius." \* In this book the author, though concerned primarily with heredity, has found it necessary to his purpose to formulate roughly and to defend a theory of the relation between genius and fame. This theory, which I shall presently elucidate by ample quotations, may be stated, so far as it is capable of brief statement, somewhat as follows: Fame—on the whole, and reserving the right to allow for special conditions—is a sufficient test of genius. Fame can seldom be attained without genius, and genius as a rule achieves fame. Social conditions, though sometimes important and occasionally decisive, may on the whole be regarded as disturbing forces, not at all comparable in influence to natural capacity. This is so far the case that the number of illustrious men a race is capable of producing from a given population may be used as a criterion of the ability of the race, and upon this basis comparisons may justifiably be made between races so remote from each other as the ancient Athenians and the modern English.

I am led by a study of the facts in the case to uphold the following somewhat different theory—for which, however, I claim no originality. Every able race probably turns out a

\* Galton's later writings contain, I think, no essential modification of the views set forth in "Hereditary Genius."



number of greatly endowed men many times larger than the number that attains to fame. By greatly endowed I mean with natural abilities equal to those that have made men famous in other times and places. The question which, if any, of these geniuses are to achieve fame is determined by historical and social conditions, and these vary so much that the production of great men cannot justifiably be used as a criterion of the ability of races except under rare and peculiar circumstances hereafter to be specified.\*

My view of the relation between genius and the social order may perhaps be made clear by the following comparison: Suppose a man, having plowed and cultivated his farm, should take in his hand a bag of mixed seeds—say wheat, rice, Indian corn, beans, and others—and should walk straight across his land, sowing as he went. All places on his path would be sown alike: the rocks, the sandy ground, the good upland soil, the rich mold in the hollows, the marshes, and whatever other sorts of soil there might be. All would be sown alike, but there would be a great variety in the result when harvest time came around. In some places nothing would come up at all. In the sand perhaps only the beans would flourish, in the marshes only the rice, and so on; while some generous soils would allow a variety of plants to grow side by side in considerable vigor. Something like this, I think, is the case with a stock of men passing through history. A good stock probably produces remarkable children with comparative uniformity, but of these only a few become famous men, and these few, instead of being evenly distributed, appear in

\*Views more or less like this have been advanced by various writers; but I do not know that any one has treated the matter at length or answered Galton's arguments so much in detail as I have attempted to do in this paper.

Among the most important writings touching upon the subject are the article by Professor William James, entitled "Great Men, Great Thoughts and the Environment," in the *Atlantic Monthly* for 1880, page 441, and the replies to it by John Fiske (1881, page 75) and Grant Allen (1881, page 371).

Lombroso's "Man of Genius" contains, of course, much interesting matter bearing on this question. See especially Part II.

groups, now of one sort, now of another, now of several sorts.

Before giving Galton's views at length let me point out that the question whether the production of great men is a fair criterion of race, together with the comparisons based upon the supposition that it is, is a side-issue, possibly an after-thought, in "Hereditary Genius," and in no way involves the main thesis of that work, which is that genius may be transmitted by heredity. I imagine that no one who reads the book will question that this thesis is fully proved. It would be strange, however, if the subordinate propositions were as carefully thought out and thoroughly established as the main one.

There is a good deal of statistical reasoning in Galton's work that is not essential to the present discussion. It will be enough to call to mind the fact that he supposes mankind, or any particular race of men, to be classified according to natural gifts in sixteen classes or grades, as follows, beginning with the highest grade and ending with the lowest: X—G—F—E—D—C—B—A—a—b—c—d—e—f—g—x. Of these B, A, a and b are the mediocre classes, and of course the most numerous; F and G include only men of very great abilities; X embraces all higher grades; F, G and X together including only about two hundred and fifty men in a million; f and all below are idiots.

From Chapter IV, which takes up the question, "Is reputation a fair test of natural ability?" It will be necessary, and I am sure interesting, to give somewhat extended quotations. The author first defines the meaning of the question:

"Let it clearly be borne in mind, what I mean by reputation and ability. By reputation, I mean the opinion of contemporaries revised by posterity—the favorable result of a critical analysis of each man's character, by many biographers. I do not mean high social or official position, nor such as is implied by being the mere lion of a London season; but I speak of the reputation of a leader of opinion, of an originator, of a man to whom the world deliberately acknowledges itself largely indebted.

"By natural ability, I mean those qualities of intellect and disposition, which urge and qualify a man to perform acts that lead to reputation. I do not mean capacity without zeal, nor zeal without capacity, nor even a combination of both of them, without an adequate power of doing a great deal of very laborious work. But I mean a nature which, when left to itself, will, urged by an inherent stimulus, climb the path that leads to eminence, and has strength to reach the summit—one which, if hindered or thwarted, will fret and strive until the hindrance is overcome, and it is again free to follow its labor-loving instinct. It is almost a contradiction in terms to doubt that such men will generally become eminent. On the other hand, there is plenty of evidence in this volume, to show that few have won high reputations, without possessing these peculiar gifts. It follows that the men who achieve eminence, and those who are naturally capable, are, to a large extent, identical.

"I believe, and shall do my best to show, that, if the 'eminent' men of any period had been changelings when babies, a very fair proportion of those who survived and retained their health up to fifty years of age, would, notwithstanding their altered circumstances, have equally risen to eminence."

To support this view he relies chiefly upon three arguments:

"1. That men who are gifted with high abilities—even men of class E—easily rise through all the obstacles caused by inferiority of social rank.

"2. Countries where there are fewer hindrances than in England, to a poor man rising in life, produce a much larger proportion of persons of culture, but not of what I call eminent men.

"3. Men who are largely aided by social advantages, are unable to achieve eminence, unless they are endowed with high natural gifts."

Concerning the first point he remarks:

"Now, if the hindrances to success were very great, we should expect all who surmounted them to be prodigies of genius. The hindrances would form a system of natural selection, by repressing all whose gifts were below a certain very high level. But what is the case? We find very many who have risen from the ranks, who are by no means prodigies of genius; many who have no claim to 'eminence' who have risen easily in spite of all obstacles. The hindrances undoubtedly form a system of natural selection that represses mediocre men, and even men of pretty fair powers—in short the classes below

D; but many of D succeed, a great many of E, and I believe a **very** large majority of those above.

"If a man is gifted with vast intellectual ability, eagerness to work, and power of working, I cannot comprehend how such a man should be repressed. The world is always tormented with difficulties waiting to be solved—struggling with ideas and feelings, to which it can give no adequate expression. If, then, there exists a man capable of solving these difficulties, or of giving a voice to these pent-up feelings, he is sure to be welcomed with universal acclamation. We may almost say that he has only to put his pen to paper, and the thing is done. I am here speaking of the very first-class men—prodigies—one in a million, or one in ten millions, of whom numbers will be found described in this volume, as specimens of hereditary genius."

In speaking of "countries where there are fewer hindrances than in England" Galton has in mind the United States. He points out that:

"The Americans have an immense amount of the newspaper-article-writer, or of the Member-of-Congress stamp of ability; but the number of their really eminent authors is more limited even than with us. I argue that, if the hindrances to the rise of genius were removed from English society as completely as they have been removed from that of America, we should not become materially richer in highly eminent men."

In this connection he urges with great vigor that while common men require sympathy and other favorable circumstances to induce them to put forth their energies, the generality of those who have gained great reputations are "haunted and driven by an incessant instinctive craving for intellectual work. If forcibly withdrawn from the path that leads toward eminence, they will find their way back to it, as surely as a lover to his mistress. They do not work for the sake of eminence, but to satisfy a natural craving for brain work, just as athletes cannot endure repose on account of their muscular irritability, which insists upon exercise. It is very unlikely that any conjunction of circumstances should supply a stimulus to brain work commensurate with what these men carry in their own constitutions. The action of external stimuli must be uncertain and intermittent, owing to their very nature; the disposition abides. It keeps a man ever employed—now wrestling with his difficulties, now brooding over his immature ideas—and renders him a quick and eager

listener to innumerable, almost inaudible teachings, that others less keenly on the watch, are sure to miss."

The proposition that social advantages without high natural gifts will not enable a man to achieve real eminence Galton supports by an ingenious argument, which I omit in the belief that the fact will not be seriously questioned.

A youth of very great abilities, Galton asserts, is almost independent of ordinary school education. The best care that a master can take of him is to let him alone, just directing a little here and there, and checking desultory tendencies.

"... the most illustrious men have frequently broken loose from the life prescribed by their parents, and followed, careless of cost, the paramount dictation of their own natures; in short, they educate themselves. D'Alembert is a striking instance of this kind of self-reliance. He was a foundling (afterward shown to be well-bred as respects ability), and put out to nurse as a pauper baby to the wife of a poor glazier. The child's indomitable tendency to the higher studies could not be repressed by his foster-mother's ridicule and dissuasion, nor by the taunts of his schoolfellows, nor by the discouragements of his schoolmaster, who was incapable of appreciating him, nor even by the reiterated deep disappointment of finding that his ideas, which he knew to be original, were not novel, but long previously discovered by others."

Moreover,

"A prodigal nature commonly so prolongs the period when a man's receptive faculties are at their keenest, that a faulty education in youth is readily repaired in after life."

This is illustrated by the case of Watt, whose general education was acquired after he was advanced in years, and also by that of Julius Cæsar Scaliger.

"The scholar who, in the eyes of his contemporaries and immediate successors, made one of the greatest reputations, as such, that any man has ever made, was Julius Cæsar Scaliger. His youth was, I believe, entirely unlettered. He was in the army until he was twenty-nine, and then he led a vagrant professional life, trying everything and sticking to nothing. At length he fixed himself upon Greek. His first publications were at the age of forty-seven, and between that time and the period of a somewhat early death,

he earned his remarkable reputation, only exceeded by that of his son."

These observations are to be understood as applying only to literary men and artists, who, however, form the bulk of those that attain to eminence. In the case of statesmen, commanders and demagogues, Galton admits that great weight must be allowed to social advantages and the accident of being born at an opportune time. I need not dwell upon this, however, as I propose to deal chiefly with those careers which he himself looks upon as affording the strongest support to his argument. In conclusion,

"I see no reason to be dissatisfied with the conditions under which I am bound, of accepting high reputation as a very fair test of high ability. . . . I feel convinced that no man can achieve a very high reputation without being gifted with very high abilities; and I trust I have shown reason to believe, that few who possess these very high abilities can fail in achieving eminence."

From these quotations the reader can judge for himself whether it is not a fair description of Galton's theory to say that he holds social and historical conditions to be no more than disturbing forces in the career of genius. They may hasten or retard its success, but on the whole "few who possess very high abilities can fail in achieving eminence." That this is really his position must also be inferred from the fact that in another chapter, which I shall take up later, he estimates the comparative worth of different races on a basis of the number of great men they produce, without any attempt to compare their histories, or take account of their actual state of social development. Exceptions are here and there admitted, as, for instance, where he says that the Negroes in the United States have not had a fair chance to compete with the whites, but as to the general tenor of the book there can, I imagine, be no question.

Now let us first of all inquire what the facts and arguments quoted really show, supposing that we admit their general truth and reasonableness. They show that some men of genius can and do rise from a rather low rank of

life—such as that in which d'Alembert passed his boyhood—and attain celebrity at an early age. This, I think, is nearly all that is shown: at any rate I wish to point out the following deficiencies in the reasoning:

1. It is not proved, or even claimed, except by inference, that there do not exist hindrances, greater than those surmounted by d'Alembert and others cited by Galton, which act as an effectual bar to genius. I shall give reasons for believing that such hindrances do exist, that they are effectual, and that they operate upon a large part of the population.

2. It is not shown, except by questionable *a priori* reasoning, that the ability to surmount ordinary social obstacles, proved to exist in certain cases, can be presumed to exist in men of genius as a class.

3. Finally, and most important omission of all, there is nothing to show that the ripening of genius into fame is not so far a matter of historical development—apart from the question of race—that race can at most be regarded as one of several equally important factors that must unite in the production of distinguished men. If this last be the case it follows that to estimate the worth of races merely by a count of famous men and without a comparison of their history and social organization, is a quite unjustifiable proceeding.

In the discussion that follows I shall give the grounds for my opinion that these omitted propositions not only are not established but cannot be, and that in fact the reverse of each one of them is true.

It does not seem to me that Galton is altogether convincing in the examples he cites to show that genius is superior to social hindrances. What is said of d'Alembert is, of course, true, but it should perhaps be added that his father, although not disclosing himself, recognized the child's natural claims by settling upon him in infancy an annuity of 1200 francs; also that the son was sent to school at four

years of age. A boy brought up by a kind foster-mother, in the principal centre of European culture, and with this income to give him a start, can scarcely be said to have labored under excessive social disadvantages. The case of Julius Cæsar Scaliger would indeed be remarkable if it could be shown that he was entirely illiterate in his youth, commenced the study of medicine at twenty-nine or later, and finally at middle age took up classical learning and became a famous scholar. If this were true it would be the only case I remember to have met with in which a man, grown up in illiteracy, afterward acquired fame as a scholar or a man of letters; and I doubt whether other cases can be produced. Galton's phrase "entirely unlettered" may mean no more than that he had a merely elementary education; but the facts, as gathered from the more accessible books of reference, seem scarcely to sustain the opinion that he was entirely unlettered in any sense. The "*Encyclopedia Britannica*" says—apparently quoting an account derived from Scaliger himself—

"At the age of twelve he was presented to his kinsman, the emperor Maximilian, and placed by him among his pages. He remained for seventeen years in the service of the emperor, following him in his expeditions through half of Europe, and distinguishing himself no less by personal bravery as a soldier than by military skill as a captain. But he was unmindful neither of letters, in which he had the most eminent scholars of the day as his instructors, nor of art, which he studied with considerable success under Albert Dürer."

It appears, however, that Scaliger's own account of his youth, and the only one which gives details, is regarded as quite untrustworthy. "*Chambers' Encyclopedia*," Michaud and others agree upon this point. The "*American Encyclopedia*" says,

"He claimed descent from the Scaligeri (or family Della Scala): sovereign princes of Verona from 1260 to 1367, and asserted that he began his classical and medical studies when he was between thirty and forty years old. This story has been disproved by Scipio Maffei and Tiraboschi. The latter says he was the son of an illuminator of



Venice, a native of Padua, named Benedetto Bordone, and that the son studied at Padua in his youth."

This false account of himself is ascribed to his vanity, which is known to have been extreme. On the whole I think I am justified in counting Scaliger's case out.

Is there, then, any form of social hindrance or disqualification that operates at all widely and effectually to prevent men of natural genius from achieving literary fame? I think there is at least one that has operated very widely and, so far as I can learn, quite effectually, namely, the circumstance of having been brought up without such an elementary education as consists in learning to read and write and having some access to good books.

In none of the cases cited by Galton of those who have attained to literary fame did the man in question fail to receive in his boyhood these simple tools by which all literary activity is carried on. Genius is wonderful, but not miraculous. A little suggestion, a little opportunity will go a great way with it—as Galton justly insists—but something of the sort there must be. A man can hardly fix his ambition upon a literary career when he is perfectly unaware, as millions are, that such a thing as a literary career exists. Between illiteracy and the ability to read a few good books there is all the difference between blindness and sight.

It is true that when reading and writing are generally diffused among the common people and recognized as necessary to any sort of advancement, a bright boy will manage to pick them up even when he has not been educated by his parents. But how recent the times and how few, even now, are the countries of which this can be said! Where whole classes of the people, or whole regions of the country know nothing of these difficult arts, how is a boy to get his start? How get that definite ambition that must go before any great achievement?

My opinion that an untaught childhood is an effectual bar to the development of literary genius does not, however,

rest upon *a priori* arguments. Galton's list, as I have remarked, furnishes no example to the contrary. I have also, with the aid of Nichol's "Tables of European History," prepared a list of about seventy of the most distinguished poets, philosophers and men of letters of Europe, consisting chiefly of those whose names are printed in large capitals by the authors of this work.\* Having examined the biographies of these men I find none who did not receive elementary instruction in his boyhood. In the few cases where men of letters have sprung from a class generally illiterate it appears that some special pains has been taken with their education. Thus the father of Burns "was at great pains to give his children a good education," and Bunyan, whose father was a tinker, "a settled and reputable man,"† says in his autobiography, "Notwithstanding the meanness and inconsiderableness of my parents it pleased God to put into their hearts to put me to school, to learn both to read and to write"

The next question is whether this hindrance of illiteracy, which appears to have been effectual, has been felt by a large proportion of the population. Exact information upon this point cannot be had except for recent times, but the following statements are moderate and I have taken some pains to satisfy myself of their truth.‡

Up to within the present century the great mass of the population of Europe, even in Protestant countries, was entirely illiterate. By the great mass I mean all but a rather small per cent, differing in different countries and nowhere precisely ascertainable.§

If we except France and Switzerland, the same is true of southern and eastern Europe at the present time. Spain, Russia and European Turkey are overwhelmingly illiterate.

\* I give the list *infra*, page 15.

† Venables' "Life of Bunyan," page 13.

‡ For information and references upon this point I am indebted to the kindness of Prof. B. A. Hinsdale.

§ This was certainly the general fact. There may have been local exceptions.

Italy is prevailingly so, though her condition in this respect is rapidly improving. The same may be said of Greece. In Austria-Hungary more than half of the army recruits are now returned as able to read and write; but we must remember that these are young men who have profited by recent reforms.

In England, where a powerful aristocracy and church establishment seem to have been, on the whole, hostile to the education of the common people, such education has been more backward than in any other large Protestant country.

This latter statement may be verified by referring to a work upon "The Education of the Poor in England and Europe," published in 1846, by Joseph Kay, B.A., of Trinity College, Cambridge. This book, which is largely statistical and descriptive, contains ample evidence that the common people of England were generally illiterate at this comparatively recent date, that the opportunities for their instruction, though greatly improved since 1830, were miserably poor, and that the country was in this respect far behind the more enlightened nations of the continent. The author uses such expressions as these: "Our operatives and agricultural laborers are wholly uneducated."\* "However miserable the instruction of the poor may be in the towns and great mining and manufacturing districts, that of the agricultural laborers is still worse provided for."† "Over great tracts of country there does not at present exist a single school."‡ And concludes his last chapter thus:

"Yes, here, in such a country as this, where the aristocracy is richer and more powerful than that of any other country in the world, the poor are more depressed, more pauperized, more numerous in comparison to the other classes, more irreligious, and very much worse educated than the poor of any other European nation, solely excepting uncivilized Russia and Turkey, enslaved Italy, misgoverned Portugal, and revolutionized Spain."‡

\* Page xii.

† Page xiv.

‡ Page 338.

§ Page 364.

There are other hindrances arising from social and economic conditions that operate effectually to prevent the development of natural ability. One of these, as I suppose everyone will admit, is underfeeding in childhood, or the subjection of children to premature and stunting labor. No breeder of horses would expect a colt, however excellent his parentage, to develop speed after having been put to the plow when two years old. Yet it is undeniable that something closely analogous happens to a considerable part of the children in countries so advanced as England and the United States. Mr. Galton has himself devised and brought into use methods of measuring large numbers of men which have recently been employed to determine the physical effects of nurture and environment. The most striking of these researches is perhaps the investigation by Spielmann and Jacobs of the comparative measurements of Jews in the East and West Ends of London.\* The West End Jews, who are a well-to-do class, did not differ much from Englishmen of the same class. Those from the East End, employed for the most part in sweat-shops upon the manufacture of cheap clothing, averaged more than three inches less in stature, and were inferior also in size of skull and in every particular covered by the measurements. The intellectual deterioration that goes with this cannot well be measured, but that it must exist will hardly be doubted.

In another paper,† dealing with the ability of the Jews as compared with other races, Mr. Jacobs asserts that out of one and a half million of Jews living to fifty "only a little more than half a million can be said to have lived; the rest have but existed, and have been out of the running in the race for fame."

The biographies of men of letters seem to me to afford very small support to the theory that literary genius is

\* See their paper on "The Comparative Anthropometry of English Jews" in the *Journal of the Anthropological Institute*, 1890, p. 76.

† *Ibid.*, 1885, p. 351. "The Comparative Distribution of Jewish Ability."

independent of social hindrances. In going over the list already mentioned of seventy of the most distinguished European poets, philosophers and historians, I find that about two-thirds of them belonged by birth to the upper and upper middle classes, using the latter term rather broadly to include clergymen, advocates, well-to-do merchants and the like. Of the remainder nearly all came of the lower middle class, shopkeepers, prosperous handicraftsmen, etc., while the very few men who, like Burns, sprung from the peasantry, prove to have received an education uncommon in their class. It would seem, then, that if we divide mankind into these three classes, the number of famous men produced by each class is in something like inverse proportion to the total number in the class.\*

The only escape from these facts, for one who still believes that genius is superior to circumstance, is to assert that the lower classes are naturally as well as socially inferior, and this to such a degree that few or no men of genius are born in them. In our democratic days this will appear to most persons a monstrous supposition, and yet it may be supported by a plausible argument which ought, in fairness, to be stated.

The struggle for the best places in life operates, it may be said, as a sort of natural selection, by the working of which the ablest strains of men are continually finding their

• SEVENTY-ONE FAMOUS EUROPEAN MEN OF LETTERS, ROUGHLY CLASSIFIED  
ACCORDING TO BIRTH AND HEREDITARY CIRCUMSTANCES.

*Belonging to the Upper and Upper Middle Classes.*—Dante, Petrarch, Boccaccio, Chaucer, Ariosto, Montaigne, Spenser, Tasso, Cervantes, Shakespeare, Bacon, Jouson, (?) Descartes, Milton, Corneille, Hobbes, Pascal, Dryden, Leibnitz, Locke, Addison, Montesquieu, Voltaire, Fielding, Hume, Johnson, Lessing, Gibbon, Cowper, Burke, Goethe, Coleridge, Scott, Landor, Byron, Shelley, Niebuhr, Macaulay, Comte, Hugo, Thackeray, Disraeli, Tennyson, Browning, Ruskin—45.

*Belonging to the Lower Middle Class.*—Luther, Rabelais, Camoens, Erasmus, J. C. Scaliger, Moliere, Spinoza, Racine, Defoe, Swift, Steele, Pope, A. Smith, Rousseau, Kant, Schiller, Wordsworth, Hegel, Keats, Béranger, Heine, Balzac, Carlyle, Dickens—24.

*Belonging to the Lower Class.*—Bunyan, Burns—2.

Of course, in the case of many of these men the classification is arbitrary, and probably no two persons would agree precisely upon such a matter. I do not think, though, that any reasonable changes would alter the general result.

way to the top. Even in the most conservative societies there is always more or less penetration of social walls by men and families of uncommon energy. The natural effect of such a process is that hereditary ability becomes concentrated in the upper strata, and little or none is to be found anywhere else. To this might be added the argument already quoted from Galton, that since America, where education is diffused and opportunity open, does not produce more great writers than England, where social distinctions are comparatively fixed, we must conclude that democracy has no tendency to bring to light suppressed genius.

This view has some show of reason, and in fact it may be admitted that, for the cause mentioned, there is probably more unusual ability among the children of the well-to-do classes, in proportion to their number, than there is among those who have not made so good a place for themselves. But there is no proof that this superiority is very great, and when we see that a few men from the peasantry and the proletariat, having had instruction and opportunities unusual with their class, achieve literary fame, it seems reasonable to infer that if instruction and opportunity had been general the number of such men would have been correspondingly increased.

The argument derived from the United States is pertinent only if we assume that the failure of this country to produce a large number of famous writers cannot be explained by some historical cause, such as the inevitable preoccupation of the people with the material development of the country and its political organization. That it can be so explained is the general and defensible opinion with us, and I shall later offer some observations tending to confirm this view.

Moreover, if we take history as a whole, the proposition that democracy favors the development of genius will appear plausible, to say the least.\* Athens and Florence, rich in

\* This topic is ably discussed in Bryce's "**American Commonwealth**," Caps. 107 and 108.

famous men above all other places, were democracies when at the height of their glory, and ceased to be glorious soon after they ceased to be democratic. The great writers of the Augustan age were the product of the later days of the Roman Republic, and the time of Elizabeth was one of freedom and open opportunity compared with the times that preceded and followed it. The history of the Netherlands would also offer striking confirmation of the theory suggested.

Freedom is certainly not the only cause of the appearance of great men, but it appears to be one of the causes, a favoring circumstance which has commonly united with other and more obscure conditions in the production of memorable groups of famous persons. It seems to me that if any conclusion upon this point is to be drawn from history it is the one opposite to that which Galton draws from the case of the United States. And if this fails, what other standing ground is there for the theory that genius is not suppressed by illiteracy and class distinctions?

The question how far genius can be helped or hindered by such differences of wealth and circumstance as are found within the educated classes of peoples as advanced as the English or the American, cannot be precisely determined because we have no way of knowing what a man might have done under different conditions. We cannot know what is in him until it comes out: if genius does not become fame we cannot be sure it was genius. There is no single, definite obstacle which, like illiteracy, is almost invariably efficacious; but what may help one may hinder another. In such a question more weight must be given to probability and the opinion of judicious observers than to anything else. Galton is very clear in his belief that these things do not materially affect the final result, that if a man of genius does not reach fame by one road he will by another. It is possible, however, that he does not do full justice to the considerations opposed to this view.

That poverty, low rank, bad luck and the like are no

effectual bar to energetic men has been a thousand times proved. Indeed there is quite a general impression, borne out by ordinary observation, that men as a rule require a certain amount of opposition and hardship to bring out what there is in them. "To be thrown upon one's own resources," says Franklin, "is to be cast in the very lap of fortune; for our faculties then undergo a development and display an energy, of which they were previously unsusceptible." Human nature, as a rule, is sluggish, needing some sort of external occasion and incitement, and men of genius are not always exceptions to this rule. Galton says of Talleyrand,

"Tallyrand would have passed his life in the same way as other grand seigneurs, if he had not been ejected from his birthright by a family council on account of his deformity, and thrown into the vortex of the French Revolution. The furious excitement of the game overcame his inveterate indolence, and he developed into the foremost man of the period, after Napoleon and Mirabeau."\*

I know of no reason to suppose that inveterate indolence is confined to diplomats or statesmen. Thackeray, among modern men of letters, is accused of it, perhaps unjustly, as some who knew him assert. At any rate Trollope says of him,†

"It was his nature to be idle—to put off his work—and then to be angry with himself for putting it off. Ginger was hot in the mouth with him, and all the allurements of the world were strong upon him. To find on Monday morning an excuse why he should not on Monday do Monday's work was, at the time, an inexpressible relief to him, but had become a deep regret—almost a remorse—before the Monday was over."

It is possible that had Thackeray been rich he would never have settled down energetically to literature, but would have continued through life the desultory activities of his youth and early manhood.

I think it is true, however, that most artists and men of letters have the hair-trigger temperament described by Galton and feel almost continually a powerful impulse toward

\* *Op. cit.*, p. 46.

† "Life of Thackeray," p. 15.



production. But although this impulse is powerful it may be vague, a mere unrest and discontent; indeed it must be so until it finds its proper use through observation, opportunity and training. If this self-knowledge and wholesome activity are not gained, men of genius are peculiarly apt to sink in dissipation energies that do not readily find a natural outlet. The muscular sensibility of the born athlete, to which Galton likens the promptings of genius, seldom causes him to keep in training except when there is a fight or a race in prospect. At other times he is not unlikely to appease his uncomfortable sensations with drink. In the same way, I believe, genius, especially of the imaginative sort, is liable to run wild unless it finds betimes a harness in which it can work. This is the common impression, and the irregular lives of many gifted men bear it out.

There is a class of men of genius in whom extreme sensitiveness, combined with lack of physical vigor, makes it essential that they should be secluded from the stress and annoyance of bread-winning activities. The case of Darwin, as Professor Ritchie has suggested,\* may be cited as one in which, so far as we can see, inherited wealth could not well have been dispensed with.

"Half an hour more or less conversation would make to him the difference of a sleepless night, and of the loss perhaps of half the next day's work."†

After speaking of the routine of his life, in which everything that wealth, retirement and the affection of his family could do, combined to secure regularity, amusement and freedom from disturbance, his son goes on to say,‡

"It is almost impossible, except for those who watched his daily life, to realize how essential to his well-being was the regular routine that I have sketched; and with what pain and difficulty anything beyond it was attempted. Any public appearance, even of the most modest kind, was an effort to him. In 1871, he went to the little

\* "Darwinism and Politics," p. 51.

† "Life and Letters of Charles Darwin," Vol. i, p. 101.

‡ *Ibid.*, p. 105.

village church for the wedding of his elder daughter, but he could hardly bear the fatigue of being present through the short service."

A notable instance of good fortune in Darwin's life was his appointment to be naturalist of the *Beagle*, leading him to settle finally upon a scientific career and enabling him to make those observations in which most of his later work was rooted. Just how far his development depended upon this opportunity it would be useless to discuss. It is very possible that he might have collected his material in some other way. In connection with this appointment there is an instance, related in his autobiography, of how great matters may hinge upon small ones.

"Afterward, on becoming very intimate with Fitz-Roy (the captain of the vessel) I heard that I had run a very narrow risk of being rejected, on account of the shape of my nose! He was an ardent disciple of Lavater, and was convinced that he could judge of a man's character by the outline of his features; and he doubted whether any one with my nose could possess sufficient energy and determination for the voyage."\*

As this question of the power of education and circumstance to help or hinder genius is largely a matter of opinion, I may be excused for quoting Goethe, whose wide acquaintance with every sort of natural ability and close study of the way in which it develops, make him perhaps the highest authority that can be found. Speaking of the fact that distinguished men, especially poets, are often sickly, he said to Eckermann,†

"The extraordinary performance of these men presupposes a very delicate organization, which makes them susceptible to unusual emotions, and capable of hearing celestial voices. Such an organization, in conflict with the world and the elements, is easily disturbed and injured: and he who does not, like Voltaire, combine with great sensibility an equally uncommon toughness, is easily exposed to perpetual indisposition."

And again, in "Wilhelm Meister," ‡

"'But will not a happy natural turn,' said Wilhelm, 'as the first

\* *Ibid.*, p. 50.

† Conversation with Eckermann, Dec. 20, 1829.

‡ Book 2, cap. ix.

and last requisite, of itself conduct the player, like every other artist, nay perhaps every other man, to the lofty mark he aims at?

“ ‘The first and last, the beginning and the end, it may well be; but in the middle many things will still be wanting to an artist, if instruction, and early instruction too, have not previously made that of him which he was meant to be: and perhaps for the man of genius it is worse in this respect than for the man possessed of only common capabilities; the one may much more easily be misinstructed, and be driven far more violently into false courses than the other.’ ”

“ ‘But,’ said Wilhelm, ‘will not genius save itself, not heal the wounds which itself has inflicted?’ ‘Only to a very small extent and with great difficulty,’ said the other, ‘or perhaps not at all.’ ”

In estimating the importance of circumstance it should never be forgotten that “a favorable environment” is nothing fixed and definite, like social standing or wealth, but is different for every individual. That measure of struggle and disappointment which is only a wholesome and needed stimulus to one man, may drive another into dissipation, or wear out his body and mind with fruitless annoyance and anxiety. In the same way the wealth that may secure just the needed seclusion and materials for one, may keep another in lifelong indolence.

So much for those differences in education, nurture and opportunity that are found among the people of the same time and nation. Now how is it as between different countries and different times? Can it be shown that there are forces apart from race that cause genius to flourish here and droop there, which at one period foster the germs of greatness in a people until they yield a rich fruitage of accomplishment and fame, and at another wither and chill them into barrenness? Are such things as historical tendency and the spirit of the age sufficiently real and powerful to control the production of famous men?

If the affirmative of these questions can be established, it is clear that the whole plan of estimating the worth of races by their great men and with only incidental reference to their history falls to the ground. Such comparisons can

be defended only upon the theory that race is the paramount factor.

I hope to show that history is quite as important as race in this matter; that while it is a function of race to turn out geniuses, historical forces determine how many of them shall be famous, and of what sort these shall be, that the appearance of great men in the past has been of a sort impossible to reconcile with the theory that such appearance is controlled by race alone.

Let me begin by giving the main argument and conclusions of Galton's chapter on "The Comparative Worth of Different Races."

In discussing this the first question considered is, What are the qualities which are needed in civilized society, and which may, therefore, be used as a test of the worth of races?

"They are, speaking generally, such as will enable a race to supply a large contingent to the various groups of eminent men, of whom I have treated in my several chapters. Without going so far as to say that this very convenient test is perfectly fair, we are at all events justified in making considerable use of it, as I will do, in the estimates I am about to give."

The comparison, then, is to be based upon the number and grade of the eminent men that a race produces, the supposition being that the distribution of ability is similar in all races, so that if the ablest men in a given race are superior in a certain degree to those of another race, the men of medium and low ability will be superior in like degree. It is like the inference of a zoologist, who, having only a single bone of an animal of known species, will compute approximately all the other dimensions.

"I know this cannot be strictly true, for it would be in defiance of analogy if the variability of all races were precisely the same; but, on the other hand, there is good reason to expect that the error introduced by the assumption cannot sensibly affect the off-hand results for which alone I propose to employ it; moreover, the rough data I shall adduce, will go far to show the justice of this expectation."

Upon this basis Galton proceeds to compare the Negro race with the Anglo-Saxon, the Lowland Scotch and the English North-Country men with the ordinary English, and the English with the ancient Athenians.

The Negro race he finds to be about two grades below the Anglo-Saxon. This conclusion is based upon the fact that its greatest men, such as Toussaint l'Ouverture, appear to be at least that much inferior to the greatest men of the rival race, also upon the opinions of travelers who have had to do with African chiefs, and upon the large proportion of half-witted persons found among the blacks.

The Lowland Scotch and the English North-Country men are held to be "decidedly a fraction of a grade superior to the ordinary English," both because they produce more eminent men in proportion to their number, and because the well-being of the masses of the population is greater.

We now come to the Athenians.

"Of the various Greek sub-races, that of Attica was the ablest, and she was no doubt largely indebted to the following cause for her superiority. Athens opened her arms to immigrants, but not indiscriminately, for her social life was such that none but very able men could take any pleasure in it; on the other hand, she offered attractions such as men of the highest ability and culture could find in no other city. Thus, by a system of partly unconscious selection, she built up a magnificent breed of human animals, which, in the space of one century—viz., between 530 and 430 B. C.—produced the following illustrious persons, fourteen in number:

"Statesmen and Commanders.—Themistocles (mother an alien), Miltiades, Aristides, Cimon (son of Miltiades), Pericles (son of Xanthippus, the victor at Mycale). Literary and Scientific Men.—Thucydides, Socrates, Xenophon, Plato. Poets.—Aeschylus, Sophocles, Euripides, Aristophanes. Sculptor.—Phidias.

The population of Attica at the time she produced these men consisted, it seems, of about 90,000 native free-born persons, 40,000 resident aliens, and a laboring and artisan population of 400,000 slaves. Of these Galton holds that the first-mentioned alone are to be considered, the aliens

and slaves being excluded, doubtless because they did not belong to the Athenian race.

"Now let us attempt to compare the Athenian standard of ability with that of our own race and time. We have no men to put by the side of Socrates and Phidias, because the millions of all Europe, breeding as they have done for the subsequent 2000 years, have never produced their equals. They are therefore two or three grades above our G—they might rank as I or J. But, supposing we do not count them at all, saying that some freak of nature acting at that time may have produced them, what must we say about the rest? Pericles and Plato would rank, I suppose, the one among the greatest of philosophical statesmen, and the other as at least the equal of Lord Bacon. They would, therefore, stand somewhere among our unclassed X, one or two grades above G—let us call them between H and I. All the remainder, the F of the Athenian race—would rank above our G, and equal to or close upon our H. It follows from all this, that the average ability of the Athenian race is on the lowest possible estimate, very nearly two grades higher than our own—that is, about as much as our race is above that of the African Negro. This estimate, which may seem prodigious to some, is confirmed by the quick intelligence and high culture of the Athenian commonalty, before whom literary works were recited, and works of art exhibited, of a far more severe character than could possibly be appreciated by the average of our race, the calibre of whose intellect is easily gauged by a glance at the contents of a railway book-stall."

This argument is so ingenious and the conclusion so startling that I propose to assume for a few moments that the method is sound—that it is practicable to compare peoples so widely different in almost every respect as the English and Athenians upon a basis of the number and grade of their eminent men—and inquire whether it is fairly applied, whether it does, after all, show such a pre-eminence on the part of the Greeks as Galton asserts. The only changes I propose to make are such as in my opinion tend to insure fair play between the contending nations.

As we allow Athens to choose her ground, so to speak, and rest her claims upon the age of Pericles, we ought surely to allow the same privilege to England. The brightest period in her history, having in view the number

of her great men and of the population from which they were drawn, was undoubtedly the age of Elizabeth.

The population of the country at that period is not accurately known, but it appears to have been not greater than four and a half millions. Against this we have in Athens only about 90,000 free citizens, or but two per cent of the number of Englishmen.

I have already given reasons, however, for holding that in questions of fame the illiterate and overburdened poor should be counted out. Now among the free citizens of Athens there was no such class as this; although the government was democratic, so far as concerned those who shared in it, the citizens were really an aristocratic caste, ruling over a vast population of slaves. There were, on the average, four or five of these latter to every man, woman and child of the Athenian population, and even the poorest families had at least one slave to do the lower sorts of manual labor. The education of boys appears to have been nearly universal, and it was not a mere smattering of the elements, enabling the pupil to write his name or spell out laboriously a few paragraphs, but lasted from the age of seven to that of sixteen, and was often followed by more advanced studies. The three main divisions were gymnastics, music and letters, and the course as a whole appears to have been a thorough initiation into the culture of the Athenian people. This culture was, as all will admit, one peculiarly favorable to the development of literary and artistic genius.

I have not been able to find even an estimate of the number of English people that could read and write in the time of Elizabeth; but it was some small percentage of the population. Of course the upper and middle classes were feeling in some measure the general intellectual awakening that followed the revival of learning and the invention of printing, but culture was by no means general in any class and scarcely touched the common people. Froude says in his "Life of Bunyan," "In those days there were no village

schools in England; the education of the poor was an apprenticeship to agriculture or handicraft."

Without pretending to definite knowledge upon the matter I venture to suggest that it is at least a fair question whether more than two per cent of the people of England had such opportunities for culture that they can reasonably be classed, in this respect, with the free-born population of Athens.

Another circumstance in favor of the Athenians is, in my opinion, of almost equal importance. The development of literary and artistic genius is greatly stimulated by facility of access to great centres of culture, where one can come into contact with eminent men and their works, and gain an inspiration more personal and visible than can be gotten from books. It is in capitals, and there only as a rule, that literature and art are organized, communication and sympathy established among men of promise, and an "atmosphere" created.

Upon this point I shall take the liberty of quoting Goethe again. He has discussed the question at length, with his usual sagacity and amplitude of information. Take for instance this concerning Béranger, whom he is contrasting with Schiller.\*

"On the other hand, take up Béranger. He is the son of poor parents, the descendant of a poor tailor; at one time a poor printer's apprentice, then placed in some office with a small salary; he has never been to a classical school or university, and yet his songs are so full of mature cultivation, so full of wit and the most refined irony, and there is such artistic perfection and masterly handling of the language, that he is the admiration, not only of France, but of all civilized Europe.

"But imagine this same Béranger—instead of being born in Paris, and brought up in this metropolis of the world—the son of a poor tailor in Jena or Weimar, and let him commence his career, in an equally miserable manner, in such small places, and ask yourself what fruit would have been produced by this same tree, grown in such a soil and in such an atmosphere."

I suppose I need not insist on the fact that as a focus of

\* Conversation with Eckermann, May 3, 1827.



intellectual activity the London of Elizabeth bears no comparison to the Athens of Pericles. The Athenians were all, practically, inhabitants of one great town, and any man could meet with any other as often as he liked, while all came in daily contact with the great works of art that crowned the city. London, on the other hand, was hard to reach—how hard one may judge from the famous description of English roads in Macaulay's third chapter—and was not much of a place when you got there. It contained something like 150,000 people, of whom the great majority were ignorant artisans who must be classed, so far as culture is concerned, with the Athenian slaves.

Making due allowance for these things and assuming that the conditions other than race are about equal in the two cases, let us see if England can produce a list of men born within one century, which shall be other than ridiculous when set beside the one that Galton gives us from Athens. I choose the century beginning with 1550.

*Athenians.*

Themistocles,  
Miltiades,  
Aristides,  
Cimon,  
Pericles,  
Thucydides,  
Socrates,  
Xenophon,  
Plato,  
Aeschylus,  
Sophocles,  
Euripides,  
Aristophanes,  
Phidias.

*Englishmen.*

Cromwell,  
Sir Walter Raleigh,  
Sir Philip Sidney,  
Shakespeare,  
Bacon,  
Ben Jonson,  
Spenser,  
Milton,  
Bunyan,  
Dryden,  
Locke,  
Hobbes,  
Jeremy Taylor,  
Sir Isaac Newton.

Opinions will differ regarding these two lists; but few, I imagine, will go so far as to say that the Englishmen are outclassed.

It is not for me to praise Shakespeare, or Milton, or Cromwell, much less to depreciate Phidias or Sophocles.

Some would say that to have produced Shakespeare was alone a sufficient title to greatness for any race, and enough to cast lasting doubt on all comparisons tending to make it appear less than others. Let the reader form his own opinion.

In such questions as these, where there is no definite criterion, we are necessarily more or less controlled by prejudice. In favor of the Englishmen there is the prejudice of race; in favor of the Greeks there is the prejudice of education. The writers of the latter people had a long start; they have been the school-books of Europe emerging from barbarism; they have grown with the growth of culture, and their fame is carried on by irresistible tradition. The fame of Shakespeare is still young, and it is only within the present century that he has come to be generally regarded as the peer of the great classic writers.

Anglo-Saxons of sensibility and culture regard Greek literature and art with an intensity of admiration which might be interpreted as a sense of their own inferiority. I would suggest, however, that this charm which the Greek spirit has for the northern races is the charm of difference rather than that of superiority. It is like the feeling of sex; just as there is something in what is womanly that appeals to men, and something in what is manly that appeals to women, so that which is Greek delights the modern nations without there being any question of greater or less in the matter at all. The Teutonic man, one may say, feels toward the spirit of his own race as toward a brother, but toward the Greek spirit as toward a mistress. This very capacity of admiring, and so assimilating, what is best in a different race is itself, perhaps, a title of greatness.

After all, were the Greeks an abler people than the Anglo-Saxon? Could they have advanced in liberty for a thousand years without falling into disorder? Could they have organized and maintained a commercial empire "greater than the Roman?" Could they have suppressed Napoleon and abolished the slave trade?

Such questions are interesting, perhaps, but quite unanswerable. In the meantime I imagine that most persons who consider the facts dispassionately will agree with me that even if we accept Galton's method of comparison, there is small foundation for his judgment "that the average ability of the Athenian race is, on the lowest possible estimate, very nearly two grades higher than our own—that is, about as much as our race is above that of the African Negro."

But it can be shown, I think, that this method, no matter how carefully we allow for differences of social organization, is still hopelessly fallacious. It can be satisfactorily tested, it seems to me, by examining the historical grouping of the eminent men produced by any one people, with a view to finding out whether they appear with such approximate regularity as would be expected if greatness is a function of race. If one thing is to be the criterion of another it must be shown to bear some reasonably definite relation to it. In Galton's argument it is assumed that we have an equation of two variable quantities, of which one being determined, namely the number of great men, we can determine the other, that is race ability. Now it is demonstrable that there are other unknown quantities entering into this equation which are not determined, and whose presence vitiates the reasoning.

The conspicuous fact that one generation may be rich in famous men and another, a little earlier or later, quite barren of them, does not entirely escape Galton; but he endeavors to account for it, as he apparently must under his theory, by a change in the race itself. Let us see how he does this in the case of the Athenians. In a paragraph already quoted, the rise of this people is explained as follows:

"Athens opened her arms to immigrants, but not indiscriminately, for her social life was such that none but very able men could take any pleasure in it; on the other hand, she offered attrac-

tions such as men of the highest ability and culture could find in no other city. Thus, by a system of partly unconscious selection, she built up a magnificent breed of human animals which . . . produced the following illustrious persons."

Now for the causes of the decline of this breed.

"We know, and may guess something more, of the reason why this marvelously gifted race declined. Social morality grew exceedingly lax; marriage became unfashionable, and was avoided; many of the more ambitious and accomplished women were avowed courtesans, and consequently infertile, and the mothers of the incoming population were of a heterogeneous class. In a small sea-bordered country, where emigration and immigration are constantly going on, and where the manners are as dissolute as were those of Greece in the period of which I speak, the purity of a race would necessarily fail. It can be, therefore, no surprise to us, though it has been a severe misfortune to humanity, that the high Athenian breed decayed and disappeared."

Now is this entirely plausible, or even consistent? Both the rise and the decline of the race are ascribed to the same cause, namely immigration. Certainly, then, some reason should be given for supposing that there was a radical change in the character of the immigration: but no such reason is given. Until something more definite and convincing than this is brought forward we must believe that the natural characteristics of a race are comparatively stable, and that it takes a long time, as a rule, to transform them into something quite different. Believing this we cannot explain the instances of rapid rise and decadence, of which history is full, by saying that they are due to changes in the breed.

To examine this question a little more closely let us look for a few moments at the distribution of famous painters in the country that has been most noted for producing them; since artists are regarded by Galton as affording, along with literary men, the best illustration of the truth of his theory. For convenience, and in order to have something definite to refer to, I shall again make use of Nichol's Tables, already mentioned. Arranging the famous painters of Italy according

to the dates of their birth—omitting two or three unimportant ones whose dates are uncertain—I have the following results:

Previous to the thirteenth century Italy produced no great painters. In the thirteenth century seven were born; in the fourteenth, seven; in the fifteenth, thirty-eight; in the sixteenth, twenty-three, of whom fourteen fall in the first half. In the seventeenth, eighteenth and nineteenth centuries a few scattered painters, none of them of very high merit.

The concentration in the fifteenth century, here apparent, becomes more striking when we examine that century by quarters. Six of the thirty-eight were born in the first quarter, eight in the second, eight in the third, and sixteen in the last. But the real pre-eminence of this period, the real intensity with which the light of fame beats upon this particular point, is very faintly suggested by figures. It will be better appreciated when I say that here, within a period of nine years, were born the three painters generally acknowledged to be the greatest that the world has produced: Titian (1475), Michelangelo (1477), and Raphael (1483).\*

Now how can such facts as these be explained on the

\* FAMOUS ITALIAN PAINTERS CLASSIFIED ACCORDING TO THEIR TIME OF BIRTH.

[Both the list and the notation indicating the relative excellence of the painters follow Nichol's Tables. Other estimates would differ a good deal but would not alter the general result.]

*Twelfth Century.*—None.

*Thirteenth Century.*—Guido da Siena, Margaritone d'Arezzo, CIMABUE, Arnolfo del Cambio, S. Memmi, GIOTTO, Duccio.

*Fourteenth Century.*—T. Gaddi, ORCAGNA, Justus of Padua, Taddeo Bartoli, S. Aretino, Lippo Dalmasio FRA ANGELICO.

*Fifteenth Century.*—First Quarter.—Masaccio, FILIPPO LIPPI, Roselli, P. della Francesca, Gozzoli, Alberti.

Second Quarter.—GHIRLANDAIO, Pollaiuolo, G. BELLINI, Mantegna, Bevenuto da Siena, PERUGINO, BOTTICELLI, Signorelli.

Third Quarter.—Filippino Lippi, Bonsignori, Crivelli, FRANCIA, Pinturicchio, LEONARDO DA VINCI, L. di Credi, Luini.

Fourth Quarter.—Fra Bartolommeo, GIORGIONE, Marziale, RAPHAEL, L. Lotto, Palma Vecchio, Beccafumi, SODOMA, MICHELANGELO, S. DEL PIOMBO, A. DEL SARTO, CORREGGIO, TITIAN, Dossi, Garofalo, G. Romano.

*Sixteenth Century.*—First Half.—Parmigiano, Bordone, Bronzino, D. da Volterra,

theory that greatness is a comparatively constant function of race? Can it be supposed that by some occult action of the laws of selection the Italian people rapidly increased in natural ability of an artistic sort up to 1500, and then as rapidly declined? If not, if such variations as these are observed in the same race, how can the number of eminent men produced be taken as a test of race ability?

The odds against this remarkable grouping being due to mere chance would be so great that no one, I suppose, would venture to attribute it to that, though I should be inclined to admit that the birth of the three transcendent artists within so very short a period as nine years was partly fortuitous.

Nor can it be said that genius, such as these painters possessed, found some other path to fame in the periods preceding and succeeding the great time of art. On the contrary the time when there were famous artists in Italy was also the time, roughly speaking, when there were great men of letters and great statesmen, and in the age succeeding all sorts of genius were obscured.

A study of Dutch and Flemish painters would lead to results essentially similar. Nearly all the great ones were born in the period 1550-1650.

To explain facts like these, and analogous ones that can be traced in the history of literature by any one who will take the trouble, we must suppose one of two things: first, that the natural ability of races undergoes rapid changes in degree and kind, owing to the action of forces as yet unknown; or, second, that the appearance of famous men is dependent upon conditions other than race.

The second conclusion is so much simpler and agrees so much better with known facts, that I imagine few will

Salviati, Vasari, G. Mantuano, TINTORETTO, T. Zuccheri, Bassano, A. Schiavone, P. VERONESE, Baroccio, Manzuoli.

Second Half.—The three Caracci, Carduccio, Caravaggio, G. RENI, Allori, Domenichino, GUERCINO.

*Seventeenth Century.*—SALVATOR ROSA, born in 1615, is the last Italian painter of great reputation.

embrace the first. And if we accept the second we must also, I think, conclude that able races produce at all times a considerable number and variety of men of genius of whom only a few encounter those favorable conditions that enable them to achieve fame.

To make perfectly clear the grounds of this last inference let me suggest a comparison. Suppose one were following a river through a valley, and from time to time measuring its breadth, depth and current with a view to finding out how much water passed through its channel. Suppose he found that while in some places the river flowed with a swift and ample current, in others it dwindled to a mere brook and even disappeared altogether, only to break out in full volume lower down. Would he not be led to conclude that where little or no water appeared upon the surface the bulk of it must find its way through underground channels, or percolate invisibly through the sand? Would not this supposition amount almost to a certainty if it could be shown that the nature of the rock was such as to make the existence of underground channels extremely probable, and if in some cases they were positively known to exist? I do not see that the inference is any less inevitable in the case before us. We know that a race has once produced a large amount of natural genius in a short time, just as we know that the river has a large volume in some places. We see, also, that the number of eminent men seems to dwindle and disappear; but we have good reason to think that social conditions can cause genius to remain hidden, just as we have good reason to think that a river may find its way through an underground channel. Must we not conclude, in the one case as in the other, that what is not seen does not cease to be, that genius is present though fame is not?

There are reasons for believing that even where our river seems fullest a great part of its flow is underground. In the age of Elizabeth, for instance, there was a complete lack of those masters of painting and sculpture who made

the chief glory of the age of Lorenzo de Medici. Yet later history has shown that the English people are by no means lacking in this sort of genius. The inference is that it was present but undeveloped.

The fact that genius can develop into greatness at some times and cannot at others is by no means inscrutable. The reasons for it can be indicated in a general way, though they are so complex that it is difficult to point out their precise application to various periods of history.

In the case of painting, for instance, it is easy to show that a number of conditions other than natural ability must concur before excellence can exist. Among those generally recognized as essential to great art of any kind are the three following:

First, a perfect technique, achieved by the accumulated experience of many generations, and kept alive and promulgated by a succession of masters. This technique cannot be learned from books or by looking at finished pictures. "Studio traditions are to be acquired only in the studio." \* It calls for personal contact and a long training that begins in childhood. In order that this training may be had it seems important that art should rest upon art-handicrafts, which maintain a large number of skilled craftsmen, of whom the most gifted become great artists. In the fifteenth century painting was a great art largely because it was a recognized and flourishing trade, and because the kindred trade of goldsmithing also flourished. The great painters and sculptors were first of all craftsmen. They were apprenticed when eight or ten years old, and for a long time were contented to watch their master and copy his methods as closely as possible. So general was this and so close the imitation that it is frequently impossible to distinguish the work of a master from that of his pupils.

\* W. J. Stillman.

Lombroso, "The Man of Genius," English Translation, p. 153, notes that "the establishment of a school of painting, even when it is the result of an importation, makes an artistic centre of a place which was not so previously."



The greatest painters grew up in these traditions, and spent their youth in imitation. Raphael was a pupil of Perugino, Perugino of Verocchio, he of Donatello, and so on. Mr. Stillman says\* that Raphael "had an extraordinary and, so far as we can judge by the history of painting, unique power of absorbing the ideas and feelings of other men. He caught the color of every great artist he approached."

A second indispensable condition is an "art-atmosphere," a general and unaffected interest in the creation of beauty, and the appreciation of the good to which that interest naturally leads. This art-atmosphere is itself a social product, and usually grows with the growth of art, in part its cause and in part its effect. Little can be done in any line of work without appreciation, sympathy, friendly criticism; and artists and poets, being extremely sensitive, can least of all do without these. They all agree, I believe, that no headway can be made without an "atmosphere," and, where people in general are cold, artists flock together and try to keep one another as warm as possible.

Thirdly, I believe that no very great art has been produced except where there was an aspiring and successful general life, furnishing symbols that spoke to a common enthusiasm. Stimulated by this enthusiasm art raises these symbols to the highest types of beauty. The general life and the symbols which stand for it, may be religious, as with most of the earlier mediæval painters, or they may be political, or a union of the political with the religious, as was, I believe, the case with much of the greatest art of Athens and Venice. The art which separates itself from great ideas and general feelings, which aims solely at sensuous effects, is usually felt to fall short of art's highest functions.

I do not say that these are all the essential conditions of great art, but they seem to be essential, and that they are so helps one to understand the fact, already shown, that the

\* "Old Italian Masters," p. 228.

development of artistic genius is dependent upon historical tendencies and the spirit of the time. A complete philosophy of art, showing just what the favoring conditions are and how they arise, has yet to be written.

How present conditions in the United States bear upon the development of artistic genius may be gathered from the statement of an American painter of acknowledged eminence, Mr. F. D. Millet.\*

"The brief chapters in the career of an American artist may be summarized as follows: He spends the most impressionable years of his life between studying in an art school and some occupation which gives him fair promise of sufficient recompense to enable him to pursue his studies abroad. He enters an art school in a foreign capital, and proves that with all the disadvantages of his early education he can take rank with any student in any branch of the profession. After his student days are over he has to decide the question whether to expatriate himself and lead a congenial life in the stimulating atmosphere of professional sympathy and support, or to return home and add his efforts to the sum of individual endeavors directed with rare devotion and self-sacrifice toward the development of artistic talent in his native country. If he chooses the former course, he may and often does become known to fame and fortune; if he selects the latter and nobler career, his life becomes a round of teaching, struggles with sordid conditions of professional life, and the wearing and soul-killing battle with lack of appreciation and encouragement, not to say distrust."

"If in the whirl of commercial prosperity, and all the distractions of active and ultra-modern life and the accompanying unrest which is death to artistic production, we find a constantly increasing number of serious artists, what may we not expect when the luxury of leisure is possible in this country!"

There is, then, reason to believe that it is not native incapacity that retards the rise of art in this country, but sheer ignorance and lack of interest resulting from generations of one-sided development.

Since Galton includes distinguished oarsmen among his men of genius, I may be allowed at this point, to draw a comparison from the game of base-ball. It is as difficult for

\* "The United States of America," edited by N. S. Shaler, Vol. ii, pp. 415, 420.

an American brought up in the western part of our country to become a good painter as it is for a Parisian to become a good base-ball player, and for similar reasons. Base-ball is a social institution with us; every vacant lot is a school, every boy an aspirant for success. The technique of the game is acquired in childhood, and every appearance of talent meets with enthusiastic appreciation. Hence we have many good players and a few great ones. Now it is probable that Frenchmen are from time to time born with a genius for this game, but how can it be developed? What chance do they have to achieve excellence or acquire fame? They probably remain in lifelong ignorance of their own possibilities. If the ambition did arise in one of them it would probably come too late for him to make up the lack of early training.

This somewhat humble illustration is believed to be well worthy of consideration by those who imagine that a social career can be independent of circumstances and the spirit of the time.

The principles that apply to painting hold good, *mutatis mutandis*, in other social careers. The dependence upon conditions other than race, the concentration of certain kinds of greatness at certain epochs, exist in all the arts and in literature. The concentration of English dramatists toward the end of the sixteenth century is as conspicuous as that of the Italian painters a century earlier. Shakespeare, Beaumont, Fletcher, Ford, Webster, Massinger and Jonson were born within a period of twenty-three years, while in the centuries since then England has produced only one or two dramatists comparable with the least of these. A similar grouping may be observed in the earlier group of American men of letters. Professor McMaster, in his history, speaks of it as follows:\*

“The men whose writings now form our national literature, the men we are accustomed to revere as intellectual patriarchs, all whose

\* Vol. i, p. 76.

works have become classics, belong, without exception, to the generation which followed the Revolution. Irving was not a year old when peace was declared. Cooper was born in the same year Washington went into office. Halleck, one year later. Prescott, in the year Washington came out of office. The constitution was five years old when Bryant was born. The first year of the present century witnessed the birth of Bancroft, and, before another decade had come and gone, Emerson was born, and Willis, and Longfellow, and Whittier, and Holmes, and Hawthorne, and Poe. . . . Scarcely a twelvemonth went by unmarked by the birth of a man long since renowned in the domain of letters—1783, 1789, 1790, 1791, 1794, 1795, 1796, 1800, 1803, 1806, 1807, 1808, 1809, 1811, 1814, such is the almost unbroken succession."

I find, however, that grouping is not so conspicuous in literature as it is in art; and in science it is not at all obvious. Since the Reformation there has been a tolerably regular and constant advance of verifiable knowledge, in which all civilized nations have participated. Though it is no doubt true, as Galton points out, that the fame of a man of science is likely to rest upon some striking discovery which might easily have been made by some one else—since the time had arrived when it could not long be postponed—yet I am not sure but scientific genius is, after all, more independent in its development than any other. If so it is because science, as a social institution, is farther-reaching, and more accessible to those fitted to share in it, than is any other institution. Since the invention of printing and the consequent diffusion of books, the scientific men of all nations have formed a single co-operating group, enabled to co-operate by the facility of communication and by the exact and verifiable character of their work. To the man with a natural turn for it, science, and the inspiration to pursue science, are communicable through books and correspondence. There is no "local color" in science; the "atmosphere" is as essential as it is in art, but it is purely intellectual, and depends relatively little upon personal contact. Compared with the artist the man of science is cold, and can carry on his pursuits with but little emotional

support from his immediate surroundings. Letters, journals, and the notice of his work by others in the same line of research suffice for him.

Literature has some of these characteristics, but not others. It has a great advantage over painting and sculpture in that it is capable of cheap diffusion through printing. It is for this reason, apparently, that literature arises earlier in a new country than do the other arts. Painting and sculpture cannot well be learned except through intercourse with a master, nor is it possible adequately to reproduce great works and disseminate them over the earth. Accordingly it may happen, as is the case over the greater part of the United States, that no conception of these arts exists except a vague and false one derived from reading and from familiarity with cheap mechanical reproductions. The arts of illustrating and engraving, however, precisely because their products are easily disseminated, are in a comparatively flourishing state and are doing much to arouse an art-sense among us. As compared with scientists, men of letters have probably more need of the emotional stimulus and support that come by personal contact. The passionate desire of young men of letters to see and know the heroes of their craft is depicted in many autobiographies. I suppose that when Mr. Howells went to Boston and saw Lowell and Dr. Holmes for the first time it meant more to him than a like experience would have meant to a young chemist or mathematician.

In the matter of propagation in a new country sculpture and painting may be compared to heavy-seeded trees, like oaks and walnuts, which, because of the difficulty with which they are sown, make their way slowly into a region where the species is not already established. Literature and science, for the reasons just given, are comparatively light-seeded, furnished like thistledown with facilities for transportation, and so spread very rapidly where the conditions are favorable for their growth.

These, however, are details which have little to do with

the general question under consideration. The main fact is that great success in any career calls for two things: natural ability, and a social mechanism to make this effective. Genius can reach high, as a rule, only when it stands on top of a culminating institution. When one looks off at the horizon of a rolling landscape he will notice two or three trees that seem to overtop all others. They seem to do so partly because they are really tall trees, and partly because they stand near the summit of the highest visible ridge. There may be higher trees in the valley—probably there are many equally high—but these do not appear. It is quite the same with men. The age of Elizabeth and the age of Lorenzo de Medici were, so to speak, natural elevations in the histories of England and Italy, resting upon which it was easy for genius to attain fame. I do not mean that they were superior, on the whole, to our own time, but they were more favorable to the development of certain sorts of ability. Individual faculty is real and powerful, and there is no greatness without it, but no man is tall enough to stand upright and fixed in the stream of history. He can at most swim a few strokes against or across it. "Who can separate his ship from the waves on which it is floating?"

I trust I have made clear my reasons for thinking that estimates of the worth of races based upon the number and grade of the eminent men they produce, have no scientific justification unless it be possible to eliminate those social conditions that have quite as much to do with the matter as race. That such elimination is usually impossible, I suppose all will admit. To show, in a general way, the power of historical forces is easy, but to take exact account of them, to predict their future operation, to show just how they differ in different times and countries, and how much must be allowed for that difference, is, in the present state of historical science, quite out of the question. If, however, cases can be found where two races mingle and compete in the same social order, and under conditions substantially

the same, a valuable comparison might perhaps be made. Are there any such cases?

The negroes and the whites in the United States could not be so compared, as Galton justly remarks. Neither, for similar reasons, would it be possible to compare the older English stock of the same country with recent immigrants of other races. Perhaps no cases can be found in which the use of the method is more defensible than in the comparison of the ordinary English with the Scotch and the North-Country men, suggested by Galton, and the comparison between the Jews and other races carried out by Mr. Jacobs in the paper published by the Anthropological Institute.\*

The question here is whether the peoples mentioned are really on an equality in respects other than race. It is commonly reported that the standard of education and individual freedom among the Lowland Scotch is considerably higher than it is in England. Galton says as much, and contrasts the well-being of the northern peasantry with "the draggled, drudged, mean look of the mass of individuals, especially of the women, that one meets in the streets of London and other purely English towns." Now to assume that this degradation is due to inferiority of race seems to me to be a begging of the whole question. Before doing that it should be shown that nurture and social conditions cannot thus degrade the members of a good race. I do not think it is possible to show this, and I would cite the comparison of East and West End Jews, already referred to, as indicating the contrary.†

If the comparison between English and Scotch were made at the time of Elizabeth it would seem to show that the English were a far superior race at that period, since Scotland was then conspicuously lacking in distinguished men.‡

\**Journal*, Vol. xv, p. 351.

† I could cite abundant evidence on this point, but do not suppose that it is necessary.

‡ Lombroso, "The Man of Genius," English Translation, p. 154, makes a similar remark, ascribing the former deficiency of Scotch genius to religious intolerance.

If this lack was due to the backwardness of social development, how can we assume that the present apparent superiority of Scotland is not likewise due to social conditions, instead of to race? The men of the north may be "a fraction of a grade superior," but, if so, the fact needs further proof.

The author of the paper upon the ability of the Jews ascribes a great deal to their social conditions, which still differ much from those of the races with whom they mingle. Thus he explains their musical pre-eminence partly by "the home character of their religion, which necessarily makes music a part of every Jewish home." Again, "Persecution, when not too severe, has probably aided in bringing out their best powers; to a high-spirited race, persecution, when there is hope of overcoming it, is a spur to action."

Such comparisons, when made with as much thoroughness and caution as this one, are certainly interesting and valuable; and if they do not arrive at precise results they are no worse off in this respect than most social investigations.

On the whole it seems to me that the relation between genius and fame is fairly well represented by the comparison, suggested at the outset, of a farmer sowing mixed seeds in a furrow which traverses a great variety of ground. Here many come up and flourish, there none, and there again only those of a certain sort. The seed-bag is the race, the soil historical conditions other than race, the seeds genius, and the crop fame.

It is true that knowing so little as we do of the forces governing heredity and degeneration, we cannot be sure that the seeds are sown with anything like uniformity, that the amount of natural ability produced from a given stock is approximately constant. But this is certainly the simplest supposition, and it would seem reasonable to accept it until the contrary is shown.

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## SILVER IN CHINA:

### AND ITS RELATION TO CHINESE COPPER COINAGE.

China for twenty years past has occupied a place in currency discussion, not unlike that which the Middle Kingdom held in the controversies on polity and society in the eighteenth century. Whenever the recorded facts of the West do not square with some pet theory, the assertion is made that in China it is all quite different. Various political and domestic theories which worked but lamely in Europe, were asserted by the pamphleteers of a century or more ago, to fit the facts in China, a land of peace, contentment and universal obedience to authority. To-day, while silver may fluctuate in the West, the assertion is perpetually made that in the unbroken calm of China, by one of those familiar suspensions of inexorable law perpetually reported at a convenient distance of time or place, silver maintains a fixed, an unchanged and an unalterable value.

The relative value of gold and silver has exhibited in China the same steady and regular depreciation of silver as measured in gold, as in the Western world, with the difference that the change from 4 of silver to 1 of gold, to 15 and then to 30 of silver to 1 of gold, which has taken thirty centuries in the West, has taken but five in China. The same change has taken place, but it has been more rapid.

In the beginning of the Ming Dynasty, A. D. 1368, as Rev. Peter Hoang, a Chinese priest of the Kiangsu Mission, asserts, 4 ounces of silver were then equal to 1 ounce of gold.\* Neither China nor the West had then felt the influence of the discovery of America. In 1574, the import of silver had become so large that 7 or 8 ounces of silver had the value of 1 ounce of gold. At the end of the

\* *North China Herald*, August 29, 1890. "The History of Silver in China."

Ming Dynasty, whose porcelain is among the greater glories of the ceramic art, gold, by 1635, had become ten times as valuable as silver. In the time of Kanghi (1662-1723), more than ten ounces of silver went to an ounce of gold. Under Chien-lung (1736-1796), it became much cheaper, 20 ounces exchanged for an ounce of gold. A recovery followed, and in 1840, silver was eighteen times cheaper than gold. With the opening of trade in this decade, silver rose to fourteen times the value of gold, and maintained for twenty years, a nearly even value. The Chinese Government in keeping the accounts of its gold mine operations still used, as late as 1890, a ratio of 13.6.\* This is not the only instance in which a government has adhered to an antiquated ratio.

In 1873, according to Mr. W. S. Wetmore's statement when publishing his index numbers,† gold was at a ratio of 16.2 in 1866, at Shanghai, or 162 taels of silver per bar of standard weight (10 taels) from which it rose in March, 1893, to 261 taels or about 60 per cent. It has since appreciated, in regular proportion, with its advance in the West. In the interior provinces of China, it was, however, undervalued, ratios altering but slowly when the index number as it moves is subject to the friction of a dirt-road, and travel at the rate of three miles an hour over an area as large as the United States, east of the Mississippi.

\* *Peking Gazette*, October 13, 1890. (Translation in *North China Herald*, November 7, 1890.) Referring to his memorial of August 6th, last, on the subject of the gold mines at Sansing, which were to be worked experimentally for a short time, the Military Governor of Kirin reports that the term fixed having now expired, all the miners have been discharged, and the mine closed in order to prevent its being illicitly worked. During the period of over two months for which the experimental working of the mine has been carried on, the government royalty has amounted to 6418.25 taels weight of gold. Fifty ounces were sent to the Board of Admiralty and ten to the Superintendent of Trade for the Northern Ports for assay. Sundry expenses absorbed Tls. 1767.266, equivalent to 1208.24 ounces of gold, leaving a balance of 4550.01 taels of gold available for working the mine on some future occasion.

† *Coinage Laws of the United States*, Washington, 1894, p. 463, and *North China Herald*, May 12, 1893.

Many abnormal characteristics in the history of Chinese currency during the last 2500 years, as compared with the development of the currency system of the West, really turn upon the circumstance that this large, homogeneous and uniform population spread over an area which from the earliest times, however divided by political boundaries, has been essentially one, was without a free supply of the precious metals for the first thousand years of its historical existence. The accepted use of silver as money, began in China barely a thousand years ago. The recorded history of China is continuous for more than twice this period. Its semi-mythical history begins at least a thousand years earlier.

Before the Tang Dynasty\* (620-907 A. D.), copper cash, if Chinese histories are to be trusted, was the exclusive monetary means of exchange, though silver had been introduced in South China, Kwang-tung and Kuangsi. A century earlier (500 A. D.) gold and silver were in circulation about Canton, though copper cash was little in use in the interior, and in the North, copper cash and grain were employed as a double medium of exchange. Silver began as a currency in South China when Chinese prefects were sent regularly to rule in Cochin China and Cambodian cities. Tribute and commerce from these regions brought silver to China, as it was produced abundantly in Burmah and was a familiar circulating medium in India. Meanwhile, there came that expansion in Arab trade prior to Islam, which was the first sign of the approaching activity of the Arab race. Holding all the southern waters of Asia, and carrying on a continuous commerce from the Red Sea and the Euphrates to the Hoang-Ho, these merchants began the steady movement of silver to China which has been ever since the characteristic of trade between the West and the East. Arab merchants first appeared in Chinese history

\* "The Origin of the Paper Currency (ch'ao) of China," by Shioda Saburo, Japanese Minister to China. *Journal Peking Oriental Society*, 1889, Vol. ii, cap. iv, p. 265.

during the Han Dynasty (206 B. C.-25 A. D.), and their influence in commerce steadily grew through many centuries.

It was not until 1035, that silver was first recognized as legal tender for the payment of taxes in a decree under the Sung Dynasty (960-1127 A. D.), which provided that the provinces of the empire should not in future be expected to pay taxes in the same form. Fukien, Kwang-tung and Kuangsi might send silver, and Chekiang could contribute silk, while most portions of the empire could pay in copper cash, as many, perhaps most of the Chinese provinces do still. During the period Ch'eng Ta, under the Emperor Ai Tsung (1225 A. D.) silver became a general medium of exchange and this marks the beginning of its full use.

As silver leached into the south of China through the land trade with the Indo-Chinese Peninsula via Yünnan, and the adventures of Arab navigators, it gradually spread over the empire. But during the four to six hundred years in which this was in progress, there were constant diversities in the circulating medium of China. As early as A. D. 500, silver was circulating by weight in Canton. It is noted in 800, in the memorial to the Emperor, by the author Han Wen-Kung, that the Mei-ling Mountains on the north of Kuang-tung separated the belt of country which traded in silver by weight, from the belt which traded only in copper coins. In the interior, in Szechuan, salt and pieces of silver were used as money, while cinnabar and quicksilver played this part in Kuangsi.

From the time when the government first recognized the payment of taxes in silver, 862 years ago, to the present time, silver has been steadily spreading over China, gradually decreasing in value as measured by gold and going through changes in regard to which it is necessary to speak with great caution, because the recorded incidents probably relate to single places and provinces, different ratios existing elsewhere. Silver has at last reached on the eastern coast a

tolerably complete parity with the European ratio. These changes have been accompanied by a decrease in the purchasing power of both metals. There is no possible doubt that when copper cash was used in the first century of our era, the ratio which its intrinsic value bore to the ordinary commodities of life, was much greater than it is to-day. In short, exactly as silver has become too cumbrous for use in Western exchange, so in a country of slower development, copper almost within our own time has become too cumbrous for Chinese usage, and has been or is being replaced by silver.

Let it not be forgotten in considering these rapid changes in silver as measured in gold, or gold as measured in silver, that while China produces relatively little silver, it has from immemorial times produced gold. Chinamen in California make a living on the tailings of placer workings to which no American will devote his labor. At home, where their labor is still cheaper, they work river washings which no civilized nation could touch. Mr. R. Pumpelly\* prints a list of fifty-two places where gold is found. It is worked in Shensi, Kothien and Tibet.† “The Red Book,” ‡ a Chinese topographical work, mentions gold at Ning-yuen-Fu, in that part of Szechuan which borders on Yünnan. Lienchow in Kuang-tung also produced some gold in the legendary past, a fact jealously remembered because it is a sign of good luck. Mr. Pumpelly mentions sixty-three localities where silver is produced. The chief product is in Yünnan, and Baron F. von Richtofen expresses the opinion that Chinese native silver came for the most part from this province or from Weining Chow in Kweichow, silver mining in which was prohibited in 808, as of no practical value, for the use of the people, though copper is mentioned in the decree as currency.

\* R. Pumpelly, “Geological Researches in China,” Cap. x.

† Williams’ “Middle Kingdom,” 1883, Vol. i, pp. 151, 230 and 244.

‡ *North China Herald*, July 25, 1890.

Silver is also found \* in Shun-te, Schaochou Fu, Hweichou and Ch'aochou in Kuang-tung. The Chinese authority already cited, names Sinchou and Pingto Fu in Kuangsi, as producing silver, and records that silver is found on the upper course of the Wei river in Kansu and on the Li river which flows from the west into the Tung-ting lake. All these, judging from Chinese histories, yielded small quantities of silver. It was not until 1225, that silver became sufficiently plentiful in North China to displace the paper money of the Golden Tartars.† Of the old silver used in China before the discovery of America, probably four-fifths came from Western Asia, and of the new silver entering China since, an equally large share has been imported from abroad. Much has been brought by English traders via India, the first of whom representing the New East India Company, opened, in 1700, an English factory at Chusan, with a capital of three lacs of taels in silver. The steady import of silver into China since then scarcely needs mention. The facts as to the native product sufficiently indicate an early supply of gold, on a scale relatively larger than that of silver, and a steady increase from the world's sources of the latter metal. The relative value of the two passing through familiar changes under laws which make silver as unstable in China as anywhere else,—with this difference that local prices change slowly in lands of cheap labor, poor transport and sparse credit facilities.

Gold has never been coined in China, though it circulates in ten ounce bars of a convenient size and shape.‡ Silver has only been coined in the present century. It was previously used in a fixed weight or "tael" as a measure of deferred values and interprovincial and international

\* *North China Herald*, July 25, 1890.

† Ching Shih Wen., cap. 49, p. 6, quoted in *North China Herald*, July 25, 1890.

‡ "Middle Kingdom," 1883, Vol. ii, p. 84: Gold bullion is cast into bars like cakes of India ink in shape, weighing about ten taels, or hammered into thick leaves which can be examined but not separated, by driving a punch through a pile of a hundred or more—a precaution against cheating.

exchanges. For two centuries, Mexican and other dollars have circulated on the coast and passed into the interior; but they are in general soon reduced to bar or sycee silver. The local and national currency of China is composed of copper cash. This is the only native coin,\* composed of an alloy of copper, 50; zinc,  $41\frac{1}{2}$ ; lead,  $6\frac{1}{2}$ ; and tin, 2, or of equal parts of copper and zinc. Each piece should weigh 58 grains troy, or 3.78 grammes; but most of those which are in circulation do not weigh over 30 grains. It is no unusual thing to find still current, cash of early Chinese dynasties. The present ratio of composition seems to be nearly equal parts of copper and lead,† but this is not always the rate given.‡ On the coast, the copper and lead is brought from abroad, duty being remitted.§ In the interior, provincial mints obtain their copper by remittances to the imperial copper mines in Yünnan.|| The regulation of the value of

\* *Ibid.*, p. 83.

† *Peking Gazette*, October 8, 1887 (5). (Translated in *North China Herald*, October 27.) The Taotai and arsenal authorities permitted to retain Tls. 80,000, to coin 100,000 strings of cash (each 1000). Later 200,000 catties of Japanese copper and an equal quantity of English lead, were bought to coin 50,000 strings of cash by the Financial Commissioner at Poo Ting Fu. (This is at the rate of 800 to the tael.)

Note by the author: Taking the catty at  $1\frac{1}{2}$  pounds, and the avoirdupois pound at 7000 grains, this last purchase would make the cash weigh 74.66 grains; or 95.36 grains to the pound. At 800 cash to the tael, this would make 4.266 pounds each of copper and lead to the tael. At the market price ruling in 1887 for copper and lead, this would make the intrinsic value of the metal in 800 cash seem less than the intrinsic value of the tael in the same year.

‡ *Peking Gazette*, June 1, 1892. (Translated in *North China Herald*, July 1, 1892.) The Governor of Shensi states that orders to coin copper cash having been received from Peking, his predecessor set apart Tls. 30,000 from the Likin receipts and sent an officer with it to Shanghai to buy foreign copper and spelter. The Memorialist therefore proposes to resume casting operations. According to the old rules, which indeed worked very satisfactorily, the cash were made of 60 per cent of copper and 40 per cent of spelter, one fourth of the copper being taken from the Chenan mines. As now the supply from the latter source is the larger of the two, and as with the improved skill of the smelters its quality has become much better than before, it is proposed to use five-sixths of this and one-sixth of the foreign article. This change will make no difference in the coins and will effect a considerable economy.

§ *Peking Gazette*, July 7, 1887. (Translated in *North China Herald*, July 22, 1887.) Imperial rescript permitting import, free of duty, of Japanese copper.

|| *Peking Gazette*, November 8, 1887 (2) (Translated in *North China Herald*, November 30.) T'ang Chiung, director of mines in Yünnan, reports the receipt of

cash, its mintage, often suspended for years, and its abundance or scarcity, is a constant topic, in the *Peking Gazette*, of viceregal memorials and imperial rescripts, the usual Chinese conservatism being displayed and the usual difficulties incident to fluctuation in the intrinsic value of a metallic currency being encountered.\* So far from enjoying a condition of blissful calm as to its standards of value, silver, cash and paper, I have seen as many and as constant references to their fluctuating relation in the ten years in which I have read the *Peking Gazette*, as in the thirty in which I have read American newspapers, and due to a like cause, the fall in silver.†

Cash, the flat oval piece with a hole in the centre, already noted, is the one domestic currency in China. All retail purchases are made with it, all labor wages are paid in it and all the ordinary transactions of life are conducted by its use. It is divided to infinitesimal fractions, unknown to European exchanges. Twelve cash are in value equal to about one cent. In Shanghai the hot water shops go down to a half cash and even a quarter cash in their transactions, or about one-fiftieth of a cent.‡ This copper currency has been subject to the changes which attend every metallic currency. When the imperial mints were closed in the Tai-Ping rebellion, cash grew relatively dear and they did not begin to be coined freely until the suppression of the Mohammedan rebellion in Yünnan opened its copper mines. Peking had ten years ago, a monetary disturbance in the effort to replace depreciated cash by new and the provinces of Hukuang and Hupeh suffered the collapse of a paper

Tls. 63,676, "Mining Capital," contributed from the revenues of the Provinces of Kuang-tung, Kiangsi and Szechuen. At present only 200,000 catties have been obtained of the first instalment of the eighth lot of copper.

\* See Appendices A, B and C.

† *North China Herald*, May 22, 1896. At present a great need of China in all her large cities is an increase of copper coins. The treasurer of each province finds it necessary to face a great financial difficulty, and to meet it by a new coinage. The trouble is caused by a fall in the copper cash value of silver. Dollars are changed for at least 10 per cent less than they were a year ago.

‡ *North China Herald*, May 6, 1887.



bank-note currency based on cash, and its authorities set about the work of supplying a new metallic cash currency.\* Instances of this character could be multiplied indefinitely from the *Peking Gazette*. They began to be felt most seriously in 1887, when silver, the common measure of interprovincial and international values, began to fall and they have continued with increasing stringency ever since.

Chinese retail prices, of whose steadiness as measured in silver, in that blessed haven of arrested monetary laws, we have heard so much in the last ten or twenty years, are really measured in *cash*. The value of cash in silver becomes, therefore, of interest, for whatever of steadiness silver has in regulating retail prices in China, rests on its convertibility into cash. The character and rapidity of these fluctuations can be best estimated by the fact that Chinese cities have had, certainly for forty years,† and probably for centuries, exchanges in which silver futures are regularly bought and sold under all the concomitants of speculation in gold in this country during our war, a time when certainly no one would have spoken of gold as an unvarying standard of retail value in the ordinary transactions of life.

The copper cash can be traced back about eight centuries before Christ.‡ The sufficiently patient student of Chinese annals will probably be able to make a record of the varying price of silver as measured in cash, and this in its turn is the current standard of value. Measured in commodities

\* See Appendices D and E.

† "A Cycle of Cathay" 1896. By W. A. P. Martin, p. 97. "Ningpo, Shortly after 1850." "Yet another illustration of the passion for hazard. One day, when I was new to the place, I happened to enter a street near the floating bridge. It was filled with an excited crowd who were madly vociferating and gesticulating. Thinking that I had come upon a riot, I turned aside to ask the meaning of the tumult, when I learned that I was in the Stock Exchange. Bids were made *viva voce* and accepted by the grasping of hands, the parties withdrawing to complete their bargain. The business going on at that time was the fictitious sale of Spanish dollars for copper cash; the quotations being brought by pigeon post from Suchau, two hundred miles distant. How vividly this scene was recalled to my memory by the confused roar heard at the Paris Bourse!"

‡ *North China Herald*, September 11, 1896. "Silver and Copper Currency."

cash has fallen in 800 years to one-fifth of its old value.\* Colonel Yule in his "Marco Polo," has shown that a tael of silver exchanged for 1000 cash in the thirteenth century when, as stated above, the ratio of silver to gold was as 4 to 1. In 1777,† a French missionary reports that a tael of silver was exchanged for 800 to 1000 cash. In Shanghai during the current year a tael exchanged for 1260. In 1846, Dr. Williams reports that cash ran 1680 to 1700 to the tael.‡ In 1850, Mr. Doolittle§ records that a dollar was worth at Foochow 1400 cash, and in 1854, it yielded 1750 cash, and in 1869 it changed for 1050 cash.

"Thus it appears in a few years' time," says that admirable and most accurate authority, the *North China Herald*, "silver may nearly double its value." "It has no local stability. . . . Silver is not in these conditions a good local standard of value. It is liable to fall and cause depression. The real standard of value in China is copper, which has been long in the country and is used in the payment of wages, in the purchase of articles of food and in all those trades which do not require the merchant to travel to a distance from his home. The stability of copper cash values is accounted for by the fact that the goods it is employed to represent commercially, remain just what they were year by year."

I have thus far considered the fluctuations of the silver tael. This is an uncoined weight of silver. By treaty, the weight of the Haikwan tael is taken at 1 1-3 ounces avoirdupois or 583 1-3 grains.|| The actual weight of the Shanghai tael is 580.53 grains, of which 902-1000, or 523.638 grains only are silver. The proportion in account of these two is 1114 to 1000. The Canton tael was given by Dr. Williams in 1856, as 579.84 grains, but a government assay in 1844, gave a higher value of 581.34 grains.

\* *North China Herald*, August 29, 1890.

† "*Mémoires concernant les chinois*," Vol. iv. (Quoted in *North China Herald*, September 11, 1896.)

‡ Williams' "Middle Kingdom," 1847, Vol. ii, p. 156. The value of cash has depreciated from 1000 to 1680 to 1700 cash to a tael, or from 750 to 1050, or 1200 to the dollar.

§ Doolittle, "Social Life of the Chinese," 1865, Vol. ii, p. 140.

|| "Celestial Empire," Shanghai, June 13, 1890.

This was reached by finding that twenty new Spanish dollars weighed 14.370 taels, or 0.7185 each. Allowing for the customs weight of coin, .45 per cent of a grain heavier, this brings the Canton tael to 580.83 grains, or about the Shanghai tael. An ordinary monetary tael may be accepted as between 580.53 and 580.83 grains troy. In Shanghai the fineness is 902-1000 or with pure silver, 523.77. At Peking in May, 1895, the Haikwan tael, known also as K'u P'ing, was rated at \$0.77 in American gold.\* In South China, and on the coast, first the Spanish and later the American dollar, has displaced the tael. In interior China, the tael is still the familiar measure of exchange.

Where the silver dollar has penetrated or has been coined, it has gone through exactly the same fluctuations when measured in cash as the immemorial tael. A few years ago,† the Viceroy of Kuang-tung, Ching Chih-tung, began the coinage of silver dollars on his own account, and coined cash in addition.‡ Roughly speaking, the Mexican dollar had been worth 1000 cash and stood about as 72 to 100, compared with the tael.§ As this new coinage increased, it deranged values all along the coast, and this was undoubtedly aided by the commercial fall in silver, for while silver has steadily

\* Report of the Director of the U. S. Mint, 1895, p. 337.

† London *Economist*, May 31, 1896.

‡ Report of the Director of the U. S. Mint, 1895, p. 336. "The cash cast at the Government mint at Canton weighs 0.08 per cent of a tael and is of the value of 1350 to a tael or 972 to a Mexican dollar." Minister Denby.

§ Correspondence October 30, 1896, from Nganlufu-Hupeh, in *North China Herald*. A week ago a proclamation which had been sent from Wuchang was issued in the city. The information given was to the effect that silver dollars and smaller coins were now to be put in circulation in this city, and also that a dollar will be of a fixed value, *i. e.*, one thousand cash, as the money is now issued by order of the Viceroy, and not any private bank or individual. If, however, a change in the value of silver should take place, the people would be duly informed and the value of the dollar fixed accordingly. The public are duly warned against spurious coins, and if any one should happen to have any dollars which he suspects as being bad, he may take them to the government office which is to be opened, on the street, and on payment of two cash for each coin, they will be tested and stamped. All faithful sons of China are called upon to help the officials by using the new currency as it is a much safer system than the cash bills and very much more convenient than the copper cash.

grown in amount by import into China, cash has not grown in the same proportion. At the opening of 1896, the Spanish dollar fell at Chinkiang from 1300 to 1175 cash, and the tael from 1480 to 1345. At Hankow, the Mexican dollar fell to 920 cash and a like fall took place at Ningpo. At all these places, proclamations had been posted requiring the Viceroy's dollars to be received on the par of Mexican, Japanese, French and English dollars; but the soldiers paid in them, found themselves victims of this experiment in free silver coinage and could only get 935 cash for a dollar. At Hangchow, while 1000 cash were paid, 20 per cent of base cash were inserted and their discount brought the string down to 960. At Yangchow, the local tael fell to 1300 cash and the Mexican dollar to 900. What had really happened was that while the copper in the cash had not fallen, eight pounds of a "string" or 1000 cash, half copper and half lead, was worth between 55 and 60 cents gold, but a silver dollar had fallen and was worth only about 50 to 53 cents. As long as the coinage of silver dollars was suspended, the silver dollar held its value in cash reasonably well; but the Viceroy's active mint abruptly ended the parity, and silver tumbled in value in China just as it does everywhere else. This speaking illustration came to pass, be it remembered, in the very year in which, in papers and from platforms, hundreds of editors and thousands of speakers were assuring the American people that in China silver did not vary in value.

I have confined myself in this sketch, to a few of the many facts bearing on the subject in the currency system of a land which has had a recorded, continuous and homogeneous currency, using the same terms, employing the same coins and conducting exchanges under the same conditions for 2000 years. The circulation of the two metals, first copper and iron, and later silver and copper, has been profoundly affected by the constant presence of a paper currency. The printed squares of white deer skin worth

400,000 cash, issued by Han Wuti, were perhaps mythical.\* Paper currency began with the use of seals impressed on paper and used as representatives of exchangeable value, about 200 B. C., according to Dr. Edkins of Shanghai. These were succeeded by commercial paper in the forms of bills of exchange, 806 A. D., when these notes were called "flying money." Preceding by ten centuries, Secretary Sherman's ingenious plan for distributing a token currency by saving the cost of transportation, the government received deposits of cash, and issued notes good at provincial treasuries for cash of the same amount. There was a return to this system in 960, and in 1023, in Szchuen this was succeeded by a bank-note system based on private capital, the amount of the notes being limited to 1,255,300 strings, each string having 1000 cash. After 1150, the Golden Tartars conquered North China, and Kublai Khan promptly using this ready instrument, in thirty-four years issued \$624,-135,500.† This currency became depreciated, but issues were continued under the Ming Dynasty and copies of its treasury notes while rare, are not infrequently met in collections. Silver began to be freely used at this time, partly from America and partly from Yünnan and Cochin China. For some time, South China had a silver, Mid-China a copper and North China a paper currency, while grain was used in paying off troops. In 1620, treasury notes were abolished and except for a short period during the Tai-ping rebellion, and then only around Peking, the present Manchu Dynasty has issued no notes.

China has at present a free banking system,‡ any person or company having the right to issue notes.§ The capital

\* *Journal Peking Oriental Society*, 1889, p. 266.

† "Middle Kingdom," Vol. ii, p. 85.

‡ *Ibid.*, p. 86.

§ The Government at times loans money to pawnbrokers who also carry on a general banking business on pledges. *Peking Gazette*, March 22. (Translated in *North China Herald*, April 6, 1888). (2) It appears that in the latter part of the last century, a sum of Tls. 160,000 was lent by the government to the pawnbrokers' shops in the Prefecture of Hsüan-hua Fu in Northern Chihli. The object of this

of these establishments is small, 2000 to 3000 taels. Tientsin has 300 and Peking 400. A clearing house maintains in each city a system of mutual exchange and these banks issue both tael or silver and cash notes. Their bills of exchange circulate all over the empire and give as complete a system as exists in Europe or the United States. The European commerce of the treaty ports is carried on by the aid of foreign banks, one of which, the Hangkong and Shanghai banks, was the victim, some time ago, of a loss of \$1,200,000 by its chief compradore, Lo Hop Hing, who displayed an ingenuity not to be exceeded by a more civilized defaulter. The failure of the old "Oriental" in 1884, and of its successor the "New Oriental" in 1892, rank among the greater bankruptcies of banking.

He would be a rash man who ventured to dogmatize on any phase of this great subject. I trust that I have shown that in China the same laws control and operate in the working of currency as are felt elsewhere. It is as ridiculous to speak of silver as being stable in the East as in the West. It is true that the general average of prices tends to maintain a more even level and to be exchangeable on a more settled parity; but this is because there are fewer changes in price-making conditions through the development of transportation and through new inventions. Changes come. The Manchu "bannermen" who buy land under a tenant-right and burdened by a tax,\* have found themselves

measure was to supply from the interest of the money an annual sum to meet the official expenditure of the Governor of Chahar. About Tls. 16,000 was repaid some-time ago, and some more has been lost by defalcations, leaving in the hands of the pawnbrokers about Tls. 120,000 at the present day. Of the fifty and more pawn shops which formerly borrowed money, about twenty have ceased to do business, and it does not seem fair either to make the men who have closed their shops retain their loans and continue to pay interest, or to make those who are still remaining in the trade, take over the money from the others. It appears to the Viceroy Li that the reason of the present state of things is that the interest is charged at too high a rate, and he therefore proposes to try the plan of reducing it to 8 per 1000 per month, or 9.6 per cent per annum, which he thinks will afford the shops sufficient profits and enable them to go on with their business.

\* *Peking Gazette*, July 10, 1887.(4) (Translated in *North China Herald*, July 29.) As the rate of rent now in Chihli, for example, does not exceed 6 or 7 tael cents per

in exactly the plight of some English land-owners with reference to their charges. The administrator of Chinese Turkestan was forced to accept taxes in kind, owing to a dearth of the circulating medium.\* But in China, changes are far slower. Such changes as come are more apt to keep an average level. Yet even in China there has been a fall in prices as measured by both the precious metals on the average, but owing to the fact that the increase of transportation has not kept pace with population, food has risen while labor has not altered. Such a change falls with cruel force on the masses. This is abundantly apparent in the index numbers compiled by Mr. W. S. Wetmore.† The report of George Jamieson, British Acting Consul-General, issued in October, 1893, and his paper on the "Injury to British Trade and Manufactures,"‡ constitute the fullest statement of the claim that "the Chinaman's tael buys more domestic produce than it did twenty years ago, but also buys more foreign goods." True, within certain limitations, this fact does not, as I have endeavored to show, warrant the assertion that in the monetary system of China, silver has been a stable measure of value.

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*Philadelphia.*

acre (mou), and the land tax amounts to just the same sum, the purchaser who is forbidden by law to turn out the actual tenant or raise the rent, finds himself in the same position as if he had not any land at all.

\* *Peking Gazette*, May 20, 1887.(4) (Translated in *North China Herald*, June 10, 1887.) Liu Chin-t'ang reports on Chinese Turkestan: "Formerly much inconvenience was caused to the people in certain districts by requiring them to commute their grain tax for a sum in copper and silver, irrespective of whether the locality produced copper or silver." The commutation now enacted for districts 200 li (75 miles) from the towns, is one picul (133½ lbs.) of wheat at one tael, one of maize at 60 cents and one of straw at 5 cents. All others must pay in kind, one-tenth of the produce, six-tenths in wheat and four-tenths in maize.

† *North China Herald*, May 12, 1893. Coinage Laws of the United States. Washington, 1894, p. 463.

‡ Fifty-fourth Congress, First Session, Senate Misc. Doc. 39.

## APPENDICES.

## A. COINAGE OF CASH.

*Peking Gazette*, January 14, 1888. (Translated in *North China Herald*, February 24, 1888.) Early in the present Chinese year an order was sent to all the provinces requiring them to coin a prescribed number of cash of the standard weight of one mace each. On the receipt of these instructions the Governor of Kiangsi sent an officer to Shanghai to purchase supplies of copper and lead. Sufficient materials having been procured, a mould and a pattern form of cash were obtained from Peking, and the work of coinage was started about six weeks ago at Nan-ch'ang-Fu. The Governor states that he visited the mint and personally impressed upon the directors and workmen the importance of turning out strong and solid coins with polished rims and well-cut holes in the centre. He now forwards ten specimens of the new cash to the Privy Council to be submitted to the inspection of the Emperor, and a like number is to be sent for examination by the boards concerned. Should the result prove satisfactory, he proposes to go on with further castings and take such measures for placing the cash in circulation as may meet the interests of the people and safeguard the currency system.

## B. COINAGE METHODS.

*Peking Gazette*, January 10, 1888 (2). (Translated in *North China Herald*, February 10, 1888.) The Governor of Chêkiang reports the dispatch of a supply of copper cash for the use of the government at Peking. Some time since the Memorialist forwarded to Peking specimens of two kinds of cash, the one coined by machinery and the other cast in the ordinary way. In reply there was issued a decree ordering him to adopt the ordinary fashion of casting, and to manufacture a quantity as soon as possible. He afterwards received an inquiry from the Board of Revenue asking how many cash he could make a month, and what number he could send forward before the closing of the Tientsin River. He referred the matter to the officers in charge of the mint, who told him that as the work had only been commenced recently, the coins could not be turned out very rapidly, and twenty thousand strings were all that could be managed within the given time. He therefore wrote a reply to the Board to that effect. He has since sent off the twenty thousand strings in the charge of an officer, who will convey them to Tientsin by steamer, and deliver them to the Board of Revenue at Peking. He is forwarding separately an account of all the charges



for materials, labor, and freight, which will be deducted from the subsidies due from his province to the Central Government.

### C. LACK OF UNIFORMITY IN COINS.

*Peking Gazette*, August 21, 1896. (Translated in *North China Herald*, October 30, 1896.) Liu K'un-yi, Viceroy of the Liang-Kiang provinces, states that in his opinion the copper cash struck by the foreign machinery in the Canton mint, of a uniform weight of eight fen or eight-tenths of a candarin, is too heavy and apt to tempt counterfeiters to melt down this money and coin lighter cash which can easily pass muster in the markets. To remedy this, the Memorialist, when sending a lot of copper and spelter to Canton to be made into cash by the foreign machinery there, sought to consult with the Board of Revenue and get its sanction to authorize the lessening of the Canton weight to seven fen or one-tenth of a candarin less which could pass current easily in the Liang-Kiang provinces. To this the said Board replied that in view of the fact that the Kuang-tung authorities make their cash eight fen in weight and recently Chang Chih-tung had been making cash in Hupeh province six fen in weight owing to the dearth of copper and spelter in the foreign markets, and now that Memorialist wishes to make his cash seven fen in weight, the confusion would be too great and the confidence of the traders and common people would be lost, on whose behalf the present cash are being struck to relieve their wants, etc. As Memorialist acknowledges the maxim laid down by the said Board that cash is struck for circulation in the markets to remove the present tension and to relieve the masses, he also thinks that the weight recommended by him would be the best way to relieve such tension. For, by making the seven fen weight the minimum, counterfeiters would not find it profitable to melt the new money down, as they could not then make their cash of such weight as to pass current with the people and at the same time benefit themselves. The great point is to have cash of a specific weight to pass as legal tender and yet be of such weight as to be unprofitable to people who should desire to melt it down. This, Memorialist thinks, can be gained by adopting the seven fen weight, not only on the above grounds, but also on motives of economy owing to the high prices ruling in the markets for copper and spelter, which must at present be obtained from abroad. Any greater weight would tempt counterfeiters, as has been and is now the case with the Canton-made cash, which in spite of the great quantities turned out yearly, yet keeps growing less and less in quantity, whereas cash of lesser weight does not obtain the confidence of the public throughout the whole empire.

Hence Memorialist would beg to persist in coining his new cash in Canton at the seven fen weight as a standard which he would also recommend to be done by the other provincial authorities. Although strict watch is kept for counterfeiters, who, when captured, are sentenced to the extreme penalty of the law, yet they keep continually cropping up to the detriment of the general trade in the interior. Rescript:—Let the Board of Revenue report thereon.

#### D. MONETARY DIFFICULTIES IN PEKING.

*Peking Gazette*, May 8, 1887 (2). (Translated in *North China Herald*, June 3, 1887.) A Memorial from Yen Ching-ming, Comptroller of the Board of Revenues. On the twenty-fifth of April, the President of the Board, Wên T'ung-'ho, at an audience with the Empress, had the honor to receive instructions on the subject of the continued depreciation of silver and the enhanced value of the paper currency in Peking. Her Majesty stated that the trouble arose from the doubts that were entertained in commercial circles respecting the value which the large cash would hereafter command in exchange for standard cash, and directed the Board to take steps to devise a remedy and publish it for general information. The Memorialist and his colleagues at once took the question into their consideration, and they would now respectfully submit the views they have formed thereon as the result of an extensive inquiry. In the present state of the money market, the tael exchanges for fourteen tiao in cash, but for only nine tiao in paper notes. The fluctuations are extremely serious, and the crisis is aggravated by the fact that there has been no corresponding change in the price of commodities. Since the twenty-fifth of April there has been a succession of bank failures, and the unsettled state of the exchange has given rise to fraudulent transactions, the full extent of which it is hard to determine. In substance, the case stands thus: the enhanced value of the paper currency is due to the scarcity of notes, and the scarcity of notes arises from the fact that they are being withdrawn from circulation from fear that, should the larger cash become worthless on the introduction of the standard cash, the payment of the notes will be demanded in the latter currency. In the memorial which the writer and his colleagues presented on the subject last August, there was a special clause providing that, when the change took place, the relative values of the large cash and the standard cash should be as one of the former to two, or two and a fraction, of the latter, and on reconsidering the matter they would propose that this should be established as a uniform rate of exchange in all government and mercantile transactions, and that both kinds of cash should be legal

tender. They would further ask that they should be authorized by imperial decree to make this decision known to the local authorities, so that the two kinds of currency may be maintained, the one as a complement of the other. Until the standard cash are introduced it would be hard to determine their exchange value in silver, and, therefore, this portion of the question may be reserved for future consideration.

*Peking Gazette*, March 12, 1888. (Translated in *North China Herald*, March 30, 1888.) *A Decree*.—We are in receipt of a memorial from the Governor of Shun-t'ien Fu stating that, owing to the proposed issue of standard cash in part payment of monthly salaries, the circulation of Peking cash has become restricted in the market. When the introduction of standard cash was first decided upon, it was intended that they should be supplementary to the Peking cash, with which they were in all mercantile and official transactions to exchange in the proportion of two to one, but the disuse of the latter currency was never contemplated. Though this has been announced in successive edicts, and confirmed under regulations published by the Board of Revenue, still it has not had the effect of removing the uneasiness felt in commercial circles and the process of selecting the larger and heavier Peking cash and rejecting the lighter still goes on. The result is that the people are unable to exchange their cash for the necessities of life. The exchange is manipulated by dishonest creditors to the great injury of the rest of the population. We therefore command the Governor of Shun-t'ien and the Commandant of the Peking Gendarmerie to issue fresh proclamations authorizing the continued circulation without any process of selection of all Peking cash, two mace and upward in weight, which have been coined at the government mint. Let any attempt to restrict the circulation of this currency under the pretext that it is to be discontinued, or any forcing of the price of commodities, be severely punished in accordance with law.

(NOTE.—The large Peking *cash* were first introduced during the reign of Hsien Fêng when the supply of copper from Yünnan was stopped by the rebellion, and formed one of the many devices adopted to tide over the financial difficulties of that troubled period. Their circulation was always confined to Peking and the immediate vicinity, and the step which is now being taken of reverting to the standard cash is intended to establish uniformity between the Pekingese and provincial currencies. On their first introduction, the Peking cash represented ten of the standard cash, but for many years past the proportion has been as one of the former to two, or two and a fraction of the latter. The proposed change has had a

most disturbing influence on the money market in Peking. In spite of repeated assurances, the people cling to the belief that the large cash will eventually be withdrawn from circulation, and for months past commercial transactions have been seriously influenced by this supposition. Spurious cash have been rejected, and vast quantities of them have found their way at a great profit to speculators, into the provincial markets. The Peking currency has been tightened: the banks, afraid their notes would have to be honored in the standard cash, withdrew them as fast as they could, and substituted notes payable only in Peking cash. The new cash, large supplies of which arrived from the provinces before the closing of the river, are to be put into circulation from to-day (March 13) through the medium of the Banner troops, to whom they will henceforth be issued in part payment of monthly allowances, and no further coinage of Peking cash being contemplated, it is probable that the currency of the capital will soon be assimilated to that of the provinces.)

#### E. LOCAL MONETARY DISTURBANCES.

*Peking Gazette*, April 22, 1887. (Translated in *North China Herald*, May 6, 1887.) The Governor-General of the Hu Kuang provinces and the Governor of Hupeh report in answer to imperial decree for forwarding supplies of cash to Tientsin for the use of the Board of Revenue, in all, 1,200,000 strings of cash, from Hupeh, Kiangsi, Chêkiang and Anhui: "Of late years there has been an excessive outflow of cash from the province causing a rise in the value of the currency, and Hupeh itself is already suffering from a deficiency of copper cash. Hence, if too many cash are remitted at one time to Peking, it will injuriously affect local interests and consequently the revenue also. It is proposed, therefore, to limit the remittances of cash this year on account of subsidies due to Peking from Hupeh to 20,000 strings *per mensem*, commencing with the third moon. These cash will be sent by steamer to Tientsin and there held to the order of the Board of Revenue. The rate of exchange will be about six tael mace per string of cash, but as exchange varies, the actual rate will be determined as each remittance goes forward. It may, however, be generally stated that 100,000 strings of cash represent approximately taels 60,000 odd of the touch of 'Metropolitan remittances.' When 100,000 strings have thus been forwarded and the effect on the markets has been observed, the possibility or otherwise of increasing the amount will be reported to the throne."

*Peking Gazette*, April 23, 1887. (Translated in *North China Herald*, May 8, 1887.) The same officers report a mint for cash established in Hupeh, where none has been working since the early years

of Hsien Feng. Its capacity is to be twenty-one annual castings of 4000 strings each (a string containing 1000 cash). "In addition to the above, there was what was called *wei mao* or 'caudal' casting, at which 1859 strings were turned out in order to furnish what was termed a *pai chuan*, which appears to have been employed in allowing for an addition of five cash to every string. The weight of copper and lead annually required was 750,000 catties, which used to be procured from Yünnan and Kueichow. It is more convenient and economical to procure foreign copper at Shanghai." It is proposed to follow the arrangement adopted at Foo Chow and to start with a capital fund of taels 30,000.

*Peking Gazette*, April 15, 1887 (2). (Translated in *North China Herald*, April 29, 1887.) The Governor-General at Foo Chow reports the failure of several cash banks. "The system of cash notes issued by cash banks was devised to meet the scarcity of ready coin, and has long been in operation. The substantial bankers who accommodate their note issue to the amount of their capital, are, of course, to be relied upon, but there are others who issue notes representing no capital fund. . . . It was considerations of this nature that induced the Memorialist, besides ordering the executive to be constantly on the watch, to apply for and obtain His Majesty's sanction to the experimental issue of a new copper cash, hoping to reduce the price of silver by getting a sufficient quantity of cash in circulation."

## COMPARATIVE STUDY OF THE STATE CONSTITUTIONS OF THE AMERICAN REVOLUTION.

As an historical introduction to this study of the state constitutions of the American Revolution it is quite important to sketch briefly the steps taken in definitely organizing the movement. These steps constituted a very critical transitional period extending over about two years just preceding the formation of the state constitutions. In order rightly to understand this transitional period it is well to note at the outset that the Americans came very far short of spontaneous unanimity in undertaking the Revolution. In most of the colonies the majority in favor of the movement was at first quite small, and there is good reason to believe that in some only a minority favored it.\* In all the colonies the most persistent and vigorous agitation was necessary, the extent of which is not now easily realized. From first to last the success of the movement was due primarily to the skillful tactics and efficient zeal of more or less self-interested leaders. The American Revolution was a movement gradually conceived by a few capable, interested, yet for the most part lofty-minded, leaders, and by them carried to completion, assisted by an extremely sensitive average population

\*This question is difficult to determine with exactness, inasmuch as there was no census and no popular vote of the right kind; but it seems quite certain that the Whigs were in a minority in Georgia, South Carolina and New York. The Tories were also numerous in Pennsylvania, Connecticut, Vermont, North Carolina, New Jersey, Delaware and Maryland. Pennsylvania and North Carolina were about evenly divided. The Tories always maintained that a fair vote would have prevented the Revolution, and considered this movement the work of a powerful machine shrewdly organized in each colony, county and town. Lecky goes so far as to say that it "was the work of an energetic minority who succeeded in committing an undecided and fluctuating majority to courses for which they had little love, and leading them step by step to a position from which it was impossible to recede."—"History of England in the Eighteenth Century." New Ed., Vol. iv, p. 224.) This language undoubtedly stretches the truth, but such high authorities as John Adams and Chief Justice McKean of Pennsylvania declared that one-third of all the people of the thirteen states opposed the Revolution in all its stages.—("Works of John Adams," Vol. x, pp. 63, 87, 110.)

in some sections, by exasperating episodes and keen brotherly sympathy in all the colonies.

Early in 1774, five very important measures were rapidly hurried through the British Parliament, the manifest object of which was to coerce the American colonies. I refer to the Boston Port Bill, the Transportation Bill, the Massachusetts Act, the Quartering Act, and the Quebec Act. These measures aroused far deeper indignation than had before existed in America. During the previous nine years, under the whip of the more radical leaders, the colonists had already indulged in much illegal and even violent conduct; but the passage of these "coercive acts" of 1774 and their attempted enforcement was the signal for further and more irregular proceedings in every American colony. By an almost unconscious process these irregularities led to the overthrow of the existing colonial governments. This strategic point having been gained the step to independence was a most natural one.

The mode of procedure in the dissolution of royal authority was much the same in all the colonies. The first definite step each colony took was to appoint delegates to a Continental Congress, a body altogether unknown in law to the existing colonial system. These delegates were appointed either by the colonial assemblies, with or without the governors' approval, or in a still more irregular manner, by self-constituted conventions or congresses. Simultaneous with this movement toward united counsel and action was the rapid growth of local committees of correspondence and safety.\* These local committees speedily took unto themselves many important functions which had regularly devolved upon the tribunals and officers of the royal governments. Then, when the first Continental Congress agreed upon the so-called "Association," a great impulse was given to the further growth of these irregular com-

\* Local committees of correspondence in many cases antedated the appointment of delegates to the Continental Congress.

mittees, for the regular governmental agencies were not generally good media for the enforcement of such a revolutionary measure. As it became more and more evident that English aggressions would be persisted in, and that force would be necessary to bring about a satisfactory adjustment of the difficulties, such committees became more and more necessary, and assumed more extended functions. At first in many cases they were self-appointed; but it was not long before the practice of regular elections by the qualified voters was developed. Thus these irregular bodies came to have, to a large extent, the force of public opinion back of them; but it should be remembered that minorities frequently prevailed, and in many places the votes were suspiciously small compared with the polling-lists.

Central direction soon became necessary for curbing the violence of these local bodies, as well as for making their action more effective and comprehensive. Hence in nearly all of the colonies irregular provincial conventions or congresses were summoned into being. As these bodies could not well sit continuously, it became necessary to entrust their authority during recess to central committees of safety, generally appointed by and from their own number. Naturally enough, under the circumstances, the functions of the regular colonial assemblies and governors were one by one, sometimes *en bloc*, assumed by these irregular conventions and committees. No real sanction was given to the mandates of these irregular bodies. In fact, their resolutions always went forth to the people in the form of recommendations; but, under the stress of constant agitation, their decisions came to have the force of law. Gradually these local and central committees of safety and the provincial conventions became systematized and their respective functions, composition and mode of election defined in varying degrees of perfection in the different colonies, amounting in some cases to quite elaborate provisional governments. Under the heat of such revolutionary movements, during



the years 1774-76, the royal governments in the various colonies completely melted away; and thus the people of each colony, almost before they realized it, found themselves face to face, not only with a great war, but with the equally important and difficult problem of regulating their internal affairs upon the basis of permanent written state constitutions. It is to a brief comparative study of the instruments resulting directly from this movement that the attention of the reader is invited in the following pages.

One further comment before proceeding to the discussion in hand. It is worth while to note that, on the whole, the transition from royal authority in the different American colonies to independent state governments was made in a careful and conservative manner. Violence and intimidation there was, enough and to spare, in some colonies;\* but this is to be expected at such times, for "revolutions are not made with rose-water." In some sections Utopian and fantastic ideas of government were advanced that did not altogether fail of influence, and were faintly reflected in some of the first state constitutions. Yet, on the whole, good political sense and judgment and a most admirable self-restraint were displayed in the midst of most vexatious and dangerous circumstances. It should always be borne in mind that the years 1774-76 in America afforded a splendid opportunity for the reign of demagogism and the precipitation of anarchy upon the country. To be sure there were no long pent-up social volcanoes ready for eruption—only a vague, groping dissatisfaction with the existing social order in some colonies; but a more volatile people would have found plentiful opportunity in the actual circumstances of these two years for wild political extravagances and constitutional shipwreck. Precisely

\* This was especially true in New York, Rhode Island, Vermont, Connecticut, New Jersey, North Carolina and Georgia. It would be an interesting and important task to trace in detail the extent of violence practiced in each colony by the various revolutionary bodies, and to consider carefully the complementary question of the degree of unanimity existing in favor of the Revolution at different stages. Such a task, however, would have been entirely beyond the compass of the present paper.

here did the strength of the American character show itself most forcibly in the Revolution. There was very little of the iconoclastic in the movement further than the necessary overthrow of the existing royal sanction and the substitution of the sanction of the people in governmental affairs.

The provisions of the revolutionary constitutions and bills of rights may now be compared under appropriate topical headings.

I. *The Bills of Rights*.—There will ever be a peculiar halo surrounding the bills of rights of the American Revolution. They were the platform of this great movement. In them the somewhat misty "rights of Englishmen," for the maintenance of which the Revolution was inaugurated, were set forth definitely and concisely, though with varying degrees of completeness. And these instruments have since become for Americans the fountain-head of chartered individual rights. With but slight modifications they now form a basis for the government of all the states and of the Union. But to fully appreciate their worth and import it should be remembered that they were not original either in idea or content. All, or nearly all, of the American colonies had at one time or another drawn up written instruments stating the rights of the individual as against the regularly constituted governmental authorities. But the foundation of precedent was still broader and deeper. Englishmen, as well as Americans, had a deep-seated habit of guarding individual liberty by binding written bills of rights. The bills of rights of the American Revolution are only a link in a long chain of institutional development, running back through the English Bill of Rights and Petition of Rights to Magna Charta, and all these formal expressions were only crystallizations of previous institutional development. At the same time it should be remembered that this common habit of Englishmen and Americans regarding written bills of rights is the point of departure in two quite different constitutional developments. The ultimate goal in both

cases has been popular sovereignty established upon a democratic basis, but the attainment of this goal has from the first been through quite different constitutional forms. The American colonies, at the very outset, established their constitutions upon definite written bases, and this fact in itself gave rise to a constitutional development very different from that of the English. Furthermore, in the one case monarchical and aristocratic forms were kept up, while in the other there was a continuous effort to incarnate the republican spirit in republican forms. The colonist clung tenaciously to the local institutions and the chartered individual liberty which he brought from England, but not so much to constitutional forms, and hence during a century and a half of development the English and American constitutions became quite divergent.

The germ of all the revolutionary bills of rights was the Declaration of Rights issued in 1765 by the Stamp Act Congress, which enunciated the cardinal doctrine of the Revolution, viz., that the colonists were entitled to the common law rights. This instrument was particularly intended to serve as a campaign invective against the Stamp Act, but it nevertheless laid the foundation for later enunciations of a more comprehensive character. After nine years of constant agitation the revolutionary leaders advanced to a clearer and more consistent position than they had formerly assumed, and issued another Declaration of Rights. This declaration of 1774 served as a fairly good model for all the later state bills of rights. These latter documents were little more than amplifications of this instrument of 1774, plus the doctrine of popular sovereignty.

Only seven of the revolutionary constitutions were accompanied by separate bills of rights;\* but the other constitutions contained important provisions of this character, and these states also considered the declarations of 1765 and 1774, as

\* Virginia, Pennsylvania, Maryland, North Carolina, Vermont, Massachusetts and New Hampshire. Connecticut, also, in continuing her charter, enacted a short bill of rights.

well as the Declaration of Independence, as bases of their new governments. Furthermore, all the states continued the operation of the common law within their borders. Although there is a general family resemblance between these various instruments they differ somewhat in content, and still more in form and phraseology. Of these instruments those of Massachusetts and New Hampshire, most nearly resemble each other while those of Virginia, Pennsylvania and Vermont are also much alike. The Maryland and North Carolina instruments are most unlike all the others, and quite different from each other.

One of the most characteristic features of these instruments was their reflection of the current eighteenth century philosophy. They had very much to say about "human equality" and "natural inalienable rights," "popular sovereignty" and "social compact."\* Each of these instruments declared that no one should be deprived of his liberty except by law or by judgment of his peers; that every one, when prosecuted, should be entitled to a copy of the indictment brought against him, as well as to the right of procuring counsel and evidence; and that no one should be compelled to give evidence against himself. They all carefully guarded the right of trial by jury; guaranteed freedom of the press and free elections; forbade general warrants and standing armies in times of peace; forbade the granting of titles of nobility, hereditary honors and exclusive privileges. All of these instruments, except those of Virginia and Maryland, guaranteed the rights of assembly, petition, and instruction of representatives. All except those of Pennsylvania and Vermont forbade the requirement of excessive bail, the imposition of excessive fines, the infliction of unusual punishments, the suspension of laws by any other authority than the legislature, and taxation without representation. The

\* New Hampshire Bill of Rights (secs. 1-3); Massachusetts Declaration of Rights (secs. 1, 5 and 7); Virginia Bill of Rights (secs. 1-3); Vermont Declaration of Rights (secs. 1, 3, 5, 6 and 17); Pennsylvania Declaration of Rights (secs. 1, 2, 4, 5 and 15); Maryland Declaration of Rights (secs. 1 and 19).

Maryland Declaration of Rights also declared poll-taxes "grievous and oppressive, and that all except paupers ought to contribute to the support of the government in proportion to their individual worth."\*

The constitutions of Massachusetts, New Hampshire and Maryland forbade the quartering of troops in times of peace in any house without the consent of the owner. The same instruments guarded freedom of debate in the legislature, declared that laws should be impartially interpreted and that judges should enjoy good behavior tenures and honorable salaries. Those of New Hampshire, Pennsylvania and Vermont provided for the exemption of the "conscientiously scrupulous" from military service on condition that an equivalent should be paid. Those of New Hampshire, North Carolina, Massachusetts and Maryland forbade the passage of retrospective laws. Those of Massachusetts and Maryland forbade the legislature to attain any particular person of treason or felony. The North Carolina Declaration of Rights forbade the granting of "perpetuities and monopolies." The Vermont Declaration of Rights forbade the transportation of offenders for trial of offences committed within the state, and also forbade slavery.

The doctrine of state sovereignty was asserted in the Massachusetts and New Hampshire instruments in the following blunt and positive language:

"The people of this state have the sole and exclusive right of governing themselves as a *free, sovereign and independent* state, and do, and *forever hereafter shall*, exercise and enjoy every power, jurisdiction and right pertaining thereto, which is not, or may not hereafter be by them expressly delegated to the United States of America in Congress assembled."†

The doctrine was much more mildly asserted in the Pennsylvania, Vermont, North Carolina, and Maryland instruments in the following or equivalent language: "The people of this state have the *sole, exclusive and inherent*

\* Sec. 13.

† Massachusetts, Sec. 4; New Hampshire, Sec. 7.

right of governing and regulating the internal police of the same."\*

The foregoing brief outline will give a general idea of the nature and content of the revolutionary bills of rights. It might seem that such codes of individual rights as those we have just outlined were unnecessary under constitutions vesting the ultimate authority in the people themselves and providing other means of popular control over the governmental agents. It might also seem very certain that gross violations of individual rights could not ordinarily occur under such constitutions as were established, and, on the other hand, that mere parchment checks such as those contained in these bills of rights could be very easily evaded by the popular agents under extraordinary circumstances. But in the mind of the author these very bills of rights have been of indubitable constitutional value. They have served continually as high ideals for political enlightenment, and have greatly helped to render many rights peculiarly sacred and proportionally difficult to violate; and as the popular conceptions of individual rights have gradually widened and deepened, such instruments have served as admirable tablets upon which these new conceptions have one by one been publicly and indelibly engraved. Neither is it boasting to say that these instruments of the American Revolution held up plainly before the view of the whole world higher ideals of individual rights than had ever before been incarnated in law, and it is at least partly the result of American example that all modern constitutional countries have come to agree approximately as to the content of individual liberty. But it must not here be forgotten that the bills of rights of the American Revolution not only made a clearer and more comprehensive definition of individual rights than had ever before been made in practice, but the constitutions to which they were appended also did much to absolutely guarantee these rights against governmental

\* Pennsylvania, Sec. 3. Equivalent language in Vermont, Sec. 4; North Carolina, Sec. 2; Maryland, Sec. 2.

violation. These rights were declared to be beyond legislative and executive interference, and judiciaries, which were fairly independent in practice, were created for their just interpretation. With the speedy development of the unique powers of the American judiciaries (state and national) these rights came under their special guardianship and at the present moment no other country so adequately guards these rights against governmental violation.\* As a result of this strong constitutional guardianship the American bills of rights have always served as a great check upon partisan excess, and have almost invariably served as admirable bases of resistance to legislative and executive oppression. †

II. *The Principle of the Separation of Powers.* — The most emphatic and unqualified assertion of this principle was contained in the Massachusetts Declaration of Rights. This instrument declared that:

“The legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them.” ‡

It would be difficult to formulate a more iron-clad statement of the principle than the above. The same principle was quite emphatically asserted in the instruments of Maryland, North Carolina, Virginia and Georgia. The New Hampshire Bill of Rights stated the principle much less objectionably, as follows:

“The three essential powers, to wit, the legislative, executive and judicial, ought to be kept as separate from and independent of each

\* For example, in France individual rights are absolutely dependent upon legislative caprice. In Germany a few rights and immunities are stated in the constitution (*Reichsverfassung*, Art. 3), but there is no really independent judiciary to defend them. Even in England there is nothing to hinder Parliament wiping from the statute book the clauses guarding these rights.

† The author would express it as his judgment, however, that the tendency to enumerate specific individual rights, both in the bills of rights and in the constitutions can be, and has been of recent years, carried to great excess. An ideal bill of rights will contain simply a few plain and unexceptionable principles, otherwise legislation is liable to be unduly hampered.

‡ Sec. 30.

other, as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of unity and amity." \*

The constitutions of New York, New Jersey, Delaware, South Carolina (1776 and 1778), New Hampshire (1776), Pennsylvania and Vermont contained no specific statement of the principle, farther than an occasional prohibition upon individuals holding more than one office. The extent to which this principle was fulfilled or violated in the various constitutions will be apparent in the discussion of subsequent topics.

III. *Organization of the Legislative Department.*—In all the states, except Pennsylvania, Vermont and Georgia, bicameral legislatures were established, each house having an equal right of originating, amending and rejecting all bills except money bills. In all the states having two houses, except New York and North Carolina, the upper house was denied the right of originating money bills. In Maryland, Virginia, South Carolina (1776 and 1778) and New Jersey, this body was also denied the right of amending money bills. These restrictions would seem to indicate a lack of discrimination. It should be noted that even in the three states having a unicameral system, the executive council exercised some of the functions usually exercised by an upper house. For example, the president and council were required to prepare bills for the consideration of the assembly. In Georgia all bills were sent to the council for advice before becoming laws. In Pennsylvania and Vermont the prime purpose of an upper house was more or less obviated by the *referendum*.

Although not clearly stated in the constitutions in every case, the lower house was intended to represent the total voting population, while the upper house was generally intended to represent the rights of property. This was evidenced by the higher qualifications for electors and members of the latter body, and in two states, Massachusetts and New

\* Sec. 37.



Hampshire (1784), by the creation of senatorial districts on the distinct basis of taxable property. In all cases existing territorial divisions (counties in the Middle and Southern States, and towns in New England) were made the units of representation in the lower house. In four states\* the same territorial divisions were also made the units of representation, in the upper house, but with a smaller number chosen from each; in four states† artificial senatorial districts were created; in Maryland there were to be nine senators from the western and six from the eastern shore. In five states‡ territorial divisions were the only basis of representation in the lower house clearly stated in the constitution, each division electing an equal number of members. The same was true of the upper house in Virginia. All but three of the constitutions provided for the direct election of members of both houses by the qualified voters of their respective districts. Under the New Hampshire and South Carolina constitutions of 1776 the upper house was elected by and from the lower house. In Maryland, senators were elected indirectly by an electoral college. In all cases the upper house was an extremely small body, varying in size from nine members in the case of Delaware to thirty-one in the case of Massachusetts.§ The lower houses were in every case much larger bodies. The New York constitution required a septennial reapportionment; the South Carolina constitution 1778 of a reapportionment every fourteen years; the New Jersey legislature was empowered to reapportion whenever it seemed “equitable and proper.”|| The constitutions of Massachusetts and New Hampshire (1784) fixed a definite *ratio* of representation.

In every case but two¶ the term for members of the lower

\* New Jersey, Delaware, North Carolina, South Carolina (1776 and 1778).

† Virginia, New York, Massachusetts, New Hampshire (1784).

‡ Virginia, North Carolina, Delaware, Maryland, New Jersey.

§ The maximum and minimum numbers of members allowed in New York were one hundred and twenty-four respectively.

|| Art. 3.

¶ In South Carolina, two years; in Connecticut, under the charter, six months.

house was one year. In five states\* the term for members of the upper house was the same as for the lower; in Delaware, three years; in New York and Virginia, four years; in Maryland, five years. There was nothing to hinder successive re-elections to either house in any of the bicameral states. In only one state, Maryland, was an age qualification for members of the lower house definitely specified in the constitution; but the same qualification (twenty-one years) was in every case to be inferred from the electoral qualifications. An age qualification of twenty-five years was required of members of the upper house in Virginia, Delaware and Maryland; thirty years in New Hampshire (1784), and South Carolina (1778); and inferentially twenty-one years in all other cases. All except New York and Delaware of the bicameral states, prescribed for members of both houses a residence qualification in the town, county or state, although the period was not always prescribed in the constitution. The average time of residence was one year, but in South Carolina (1778) it was five years. In all cases a property qualification was required of members of the upper house and also in all cases but that of New York† of members of the lower house. Some of these property qualifications were quite high, as for example in South Carolina where for senators it was a freehold worth two thousand pounds. The undemocratic spirit of these revolutionary constitutions was also plainly exhibited in the qualifications prescribed for electors. In addition to the almost universal sex (male), age (twenty-one years), and residence (various periods) qualifications, property qualifications were prescribed in every state except Vermont. These property qualifications varied in amount from the somewhat indefinite requirement that the elector be a taxpayer, to a freehold worth one hundred pounds. In New Hampshire (1784) the payment

\* Massachusetts, New Hampshire, New Jersey, North Carolina and South Carolina.

† The New York constitution did not *prescribe* any property qualification, but it could, I think, be inferred from the electoral qualifications.

of a poll-tax, and in Georgia belonging to a "mechanic trade" would give the right of suffrage in lieu of holding property. In Massachusetts and Maryland members of both houses were required to be Christians; in North Carolina, South Carolina (1778) and New Hampshire (1784) they were also required to be Protestants. Section 19 of the New Jersey constitution was evidently intended to bar all except Protestants.\* The South Carolina constitution (1778) also restricted the suffrage to believers in God and a future state of rewards and punishments.

In the unicameral legislatures existing territorial divisions were in each case made the units of representation. The Vermont constitution provided a fixed ratio of representation on the basis of the number of taxable inhabitants, but guaranteed each inhabited town one representative. The constitutions of Pennsylvania and Georgia fixed the representation of each county; that of Pennsylvania also provided for a septennial reapportionment on the basis of taxable inhabitants; that of Georgia fixed a ratio for increased representation of two counties. In each of these states members were elected directly by the qualified electors of each district. The term was one year in each case. In Pennsylvania a restriction provided that members could only serve four out of seven years. An age qualification of twenty-one years was prescribed for members in Georgia, and this qualification was inferentially the same in Pennsylvania and Vermont. Each of these states prescribed a residence qualification. In Georgia a property qualification was prescribed and members were also required to be Protestants.† The constitutions of Pennsylvania and Vermont did not distinctly

\*The words "all inhabitants" in Art. 4 of the New Jersey Constitution would seem to have warranted female suffrage. At a celebrated election in Essex county in 1806, both females and colored persons were allowed to vote. But the legislature of 1807 set aside the election and enacted a new election law, declaring the phrase "all inhabitants" to mean "free white male citizens." This law, however, was sometimes set aside by election officers as unconstitutional, and in 1838 gave rise to the so-called "Broad Seal War."

† Religious qualifications will be more fully considered under another head.

prescribe any property qualification for members, but perhaps in Pennsylvania as in New York such a qualification may be inferred from the electoral qualifications. In Vermont, however, no property qualification whatever was prescribed by the constitution for members or electors.

The constitutions of Massachusetts and New York made the fullest and most specific provision for impeachment. In Massachusetts officers were to be impeached by a simple majority of the lower house and tried by the upper house, a two-thirds majority being necessary for conviction. The constitution also restricted the penalty to removal from office and disqualification, but left the offender subject to further trial in the regular courts. The process in New York differed from that in Massachusetts only in the requirement of a two-thirds majority in the lower house for impeachment.

The constitution of Delaware provided for the impeachment of officers by the lower house and their trial by the upper house, but fixed no majority necessary for impeachment or conviction. The punishment was confined to removal and disqualification with the possibility of further trial in the regular courts. All officers were to be impeached within eighteen months of the time the offence was committed. The constitution furthermore made the very singular and illogical provision that the president could only be impeached when out of office, thus inverting the very meaning and purpose of impeachment.

The constitution of Virginia provided for the impeachment of offending officers by the House of Delegates, and for their trial by the general court, or by the court of appeals, if any member of the former court were an interested party. No majority necessary for impeachment or conviction was stated; neither was any statement made concerning the punishment to be inflicted in case of conviction.

The constitution of North Carolina (Art. 23) loosely provided that offending officers could be prosecuted (supposedly in the regular courts) on impeachment of the General

Assembly or on presentment of the grand jury of any court of supreme jurisdiction.

The New Jersey constitution provided for the impeachment of "all high officers except the governor,"\* by the lower house, and for their trial by the upper house. No further provisions concerning impeachment were stated in that instrument. The New Hampshire constitution of 1784, declared that offending officers could be impeached by the lower house and tried by the upper house, but confined punishment to removal and disqualification, with the possibility of further trial in the regular courts. The constitution of Georgia (Sec. 49) merely stated regarding impeachment that "every officer of the state shall be liable to be called to account by the house of assembly." In Pennsylvania and Vermont offending officers were to be impeached by the legislature and tried by the chief executive in council. The constitutions of both these states furthermore made the somewhat shrewd provision that any officer could be impeached "after his resignation or removal" as well as when in office;† but they did not specify the number of votes necessary for impeachment or conviction, nor did they limit the penalty. The constitutions of Maryland and South Carolina (1776) made no provisions whatever for impeachment. This omission, however, was corrected by the South Carolina constitution of 1778. In this instrument provision was made for impeachment by the lower house and for trial by the senators and judges who were not members of the lower house. A vote of two-thirds of the members present in the respective bodies was required both for impeachment and conviction.

IV. *Organization of the Executive Department.*—(*A. Chief Executive.*)—All the constitutions under consideration, except that of New Hampshire (1776), provided for a nominal

\*It is a matter of small wonder, perhaps, that this official was unimpeachable when one considers the very harmless scope of his powers.

† Pennsylvania Constitution, Sec. 22, Vermont Constitution, Sec. 20. It is interesting to note this provision in connection with later impeachment troubles under the Federal Constitution.

chief executive. In reality, however, the constitutions of Pennsylvania and Vermont did not establish a single executive, but an executive board. Indeed in some of the other states the powers of the nominal chief executive, independent of the executive council, were so extremely limited as to virtually vest executive power in the two jointly as an executive board.\* We might perhaps also regard the council under the New Hampshire constitution of 1776 with its president quite as much as an executive board as an upper house. In all the states but four the chief executive was called governor; in Pennsylvania, New Hampshire (1784), South Carolina (1776) and Delaware he was called president. In seven states† this official was elected by joint ballot of the two houses of the legislature; in Pennsylvania by joint ballot of the assembly and executive council; in only four by the direct vote of the qualified electors of the state.‡ Only two states chose their chief executive for anything like a respectable term. These were New York and Delaware which prescribed a term of three years. In South Carolina the chief executive like members of the legislature enjoyed a two-years term. In all the other states this official was obliged to content himself with a one-year term. Furthermore the following restrictions were imposed on re-election: In North Carolina this official was made ineligible three out of every six years; in South Carolina (1776), four out of six;§ in Maryland and Virginia, four out of seven. This fanaticism was carried to the highest degree of absurdity in Georgia, where the governor could only serve one out of every three years.

The constitutions of Delaware and Virginia prescribed no qualifications whatever for the chief executive, save as these were to be inferred from the electoral qualifications. In New Jersey he was loosely required to be "some fit person;" in

\* This was notably the case in Delaware.

† New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina (1776 and 1778), Georgia.

‡ Massachusetts, New York, Vermont, New Hampshire (1784).

§ This restriction was removed in 1778.

New York, a "wise and discreet freeholder;" in Maryland, a "person of wisdom, experience and virtue." In Pennsylvania, Vermont, Georgia and South Carolina (1776) he was to be qualified the same as members of the legislature. An age qualification of thirty years was definitely required in New Hampshire (1784) and North Carolina, and in Maryland of twenty-five years. Seven years' residence in the state was required in New Hampshire (1784); ten years, in South Carolina (1778), and five years, in North Carolina, Maryland and Massachusetts. Property qualifications were definitely prescribed in five states,\* varying in amount from an estate worth 500 pounds, one-half freehold in New Hampshire, to a "settled plantation or freehold" worth 10,000 pounds in South Carolina (1778). The same religious qualifications were required in every case as for members of the legislature. In South Carolina the governor was required to have been a member of the privy council for five years before election. In only one state was the governor's salary fixed by the constitution. This was in the South Carolina constitution (1776) which guaranteed the president an annual salary of 9000 pounds. Four other constitutions contained loose provisions for the governor's salary, but in no case did these have any really mandatory effect.

In Pennsylvania and South Carolina (1776) there was a vice-president elected in the same manner as the president; in New Jersey there was a like-named official elected by the upper house; in New York, Massachusetts, South Carolina (1778) and Vermont there was a corresponding official, called lieutenant-governor, elected in the same manner as governor. In Delaware and North Carolina the presiding officer of the upper house succeeded in default of the chief executive; in Virginia and Georgia the president of the executive council, and in Maryland the first named of that body, succeeded the governor.

\* New Hampshire (1784), North Carolina, Massachusetts, Maryland, South Carolina (1778).

(*B. Executive Council.*)—In all the states under consideration the chief executive was checked by an executive council. This body varied in size from three to twelve members, elected from one or both houses, or from the people at large. In Pennsylvania, Vermont, and Georgia\* this council was elected directly by the qualified electors of the state, either at large or by districts; in the other states by both houses jointly or separately. In Pennsylvania the term was three years; in South Carolina, two years; in all the rest, one year. In New York there was a dual council. The council of revision consisted of the governor, chancellor, and any two or more of the judges of the supreme court. This body had the power of revising all bills, and a two-thirds majority of each house was required to overcome the veto of the council. Bills not returned by the council within ten days, became laws, unless the legislature adjourned in the meantime. In order to avoid a "pocket-veto," the council was required to return bills the first day of the following session in case of an adjournment within the ten-day period. The council of appointment consisted of one senator from each district appointed by the assembly, and presided over by the acting governor, who had a casting vote but no other vote. This body had the appointment of almost all the important officers in the state.

V. *Comparison of Legislative and Executive Powers.*—Under most of the revolutionary constitutions the legislature was truly omnipotent and the executive correspondingly weak. Nearly all of these instruments conferred upon the former body practically unlimited power. In six constitutions there was nothing whatever to prevent the legislature amending the constitution by ordinary legislative process; † the Maryland constitution permitted the legislature to amend by a simple majority of two successive sessions; ‡ and that of

\* In Georgia the two members from each county attended by monthly rotation.

† New York, New Jersey, Virginia, South Carolina (1776), North Carolina, New Hampshire (1776).

‡ Any amendment, however, specifically affecting the Eastern Shore, required a two-third majority.



Delaware merely required a somewhat larger majority for amendments than for ordinary legislation.\* Full legislative powers were in every case, expressly or by reasonable implication, conferred upon the legislature and generally without any great restrictions. As we have seen individual liberty was guarded by more or less complete and mandatory bills of rights or kindred provisions in the constitutions, but no other serious limitations upon legislation were imposed. In Massachusetts hasty and unwise legislation was checked by the qualified negative of a governor deriving his power from popular suffrage; in New York by the qualified negative of a rather hybrid Council of Revision; in South Carolina nominally by the absolute veto of the president, but here the same bill could be brought in again after a three days' adjournment and the veto power was also largely neutralized by the fact that the president was elected by the legislature;† in Vermont and Pennsylvania by a process approaching the referendum, whereby bills had to be published before third reading and then could not be passed until the next session.‡ With these few exceptions the legislatures were absolutely unrestrained in legislation by any outside checks, except re-elections. But this was not all. In addition to full legislative power these bodies were in many cases expressly endowed with important administrative powers, at the expense of the executive department. In five states§ the legislature appointed nearly all the officers of the state; in others they appointed a number of the more important officers,

\* On the other hand Massachusetts and New Hampshire (1784) provided for special constitutional conventions and ratification by popular vote. Georgia provided for a constitutional convention when petitions were received from a majority of the counties, signed by a majority of all the voters of the state. In Pennsylvania and Vermont the Council of Censors were to propose amendments which were to be considered by special convention, elected not less than six months after amendments were proposed by the Censors.

† This provision gave rise in practice to much corruption.

‡ The wording of the constitutions (Pennsylvania, Sec. 15; Vermont, Sec. 14), gave opportunity for evasion, however, and this seems to have so resulted in practice.

§ Virginia, North Carolina, South Carolina, New Jersey, New York (through the Council of Appointment).

and in others they shared this power with the governor and council. In no state could the governor exercise this power without the approval of his council. In Georgia, however, nearly all of the important officers were elected directly by the people. The importance of the legislature was furthermore expressly enhanced in most states by limitations upon the pardoning power. In only four states\* could the chief executive exercise this power alone; in three † of these states he could not pardon in cases of impeachment and when otherwise directed by law, and more specifically in New York he was forbidden the exercise of this power in cases of impeachment, treason and murder. In Massachusetts and New Hampshire (1784) the chief executive with his council could pardon in all cases except impeachment; in New Jersey the governor with his council (as a court of appeals) could exercise unrestricted pardoning power; in Pennsylvania and Vermont the chief executive and council could pardon except in cases of impeachment, treason and murder, and in Virginia except in cases of impeachment and "where the law should otherwise direct." In Georgia‡ all pardoning power was reserved to the legislature and in South Carolina the constitution said nothing about the subject. It thus appears that only in New Jersey was legislative and judicial action checked by an unlimited pardoning power exercised by an outside body.§ In no case could a chief executive dissolve the legislature; and only in New York could he prorogue without its consent, and then only for a period of sixty days during any one year. Thus by express provision the natural powers of the legislatures were augmented at the expense of the executives, but it is quite as much to the point to note that the former were in a position to gradually trench more and more upon the administrative functions of the latter.

\* New York, North Carolina, Maryland, Delaware.

† North Carolina, Maryland, Delaware.

‡ The governor and council could merely reprieve until the next session of the legislature.

§ Even in that case the pardoning body was practically the tool of the legislature.

Owing to the dependence of the executives upon the legislatures both in respect to salaries and appointment (in many cases) the latter could quite easily absorb all administrative powers not expressly conferred upon the former, and could even seriously cripple the executive power in the exercise of those powers which were expressly conferred. If we turn to a consideration of the relations of the legislatures to the judiciaries under the revolutionary constitutions, we find much the same opportunity for excessive encroachment on the part of the legislatures and a corresponding lack of absolute security and independence on the part of the judiciaries.

VI. *The Judicial Department.*—In the first place it is well to note that most of the revolutionary constitutions had very little to say about the judicial department. The existing colonial courts, which for the most part constituted excellent judicial systems, were generally continued with few or no changes in form; and whatever reorganization occurred was effected by the respective constitutions only in very broad outline. As in the federal constitution, though generally not quite to the same degree, the details of judicial organization were left for statutory arrangement.

In every state but South Carolina\* all judicial officers were dependent upon the legislature for their salaries. In four states,† all important judicial officers were dependent upon the legislature for appointment; in one ‡ upon the legislature and president, which practically amounted to the same thing because the president was little more than the tool of the legislature; in four states,§ upon the chief executive and council, and in all of these states but Massachusetts the council was dependent upon the legislature for its appointment; in New Hampshire (1784) upon the council and

\* The South Carolina constitution fixed the salaries of the most important judicial officers.

† New Jersey, South Carolina, Virginia, North Carolina.

‡ Delaware. Each house also appointed three members of the court of appeals.

§ Pennsylvania, Vermont, Maryland, Massachusetts.

assembly; in New York largely upon the legislature through the Council of Appointment; in Georgia, directly upon the suffrage of the qualified electors (except the chief justice who was appointed by the legislature). The independence and efficiency of the judiciary were also imperiled in four states\* by the limited term of office prescribed in the constitution,—in one of these states, Georgia, by the extremely short term of one year. In many states the legislature could also remove judicial officers. Furthermore in many states the legislature directly exercised extensive judicial functions, being in some cases a court of last resort.† But the possibilities of legislative encroachment did not end here. In many states the continued appointment of judicial officers (all or part) was not clearly mandatory, and in some of the states even the extinction of existing courts was possible under these constitutions. In most of the constitutions there was nothing absolutely to prevent adverse changes in the composition of the various courts, the subtraction of functions from these bodies and the conferring of the same upon the legislature or its creatures. It is well to remark, however, that in practice the system of courts established by these constitutions worked fairly well, but this was due rather to the personal virtues of the legislators than to the safeguards in the instruments themselves. It seems to me that all failed either in simply and unequivocally vesting all judicial functions in existing courts and such new courts as should from time to time be necessary; in providing proper regulations for the creation of such new courts; in placing salaries of judicial officers beyond legislative interference; in providing a good behavior tenure and properly guarding the same from unjust removals; in expressly forbidding legislative appropriation of distinctly judicial functions; or in

\* Georgia, New Jersey, Pennsylvania, Vermont.

† *e. g.* The New Jersey Court of Appeals, and the New York Court of Impeachment and Errors. The South Carolina Court of Chancery was composed of the President and a majority of the Privy Council, all of whom were creatures of the legislature.

making the continued appointment of existing judicial officers clearly mandatory.

From the foregoing summary of the relations of the three departments it appears that, in spite of the very emphatic assertions of the principle of separation of powers in some of the constitutions under consideration, they all violated the principle in all or nearly all of the following ways: Direct legislative exercise of judicial functions; executive exercise of judicial functions; qualified negative of the executive; election of the chief executive by the legislature; election of the executive council by and from the legislature; appointment of executive and judicial officers by the legislature; presidency and vote of the chief executive or vice-executive in the upper house.

VII. *Relations between Church and State.*—In studying the relations existing between church and state under the revolutionary constitutions, one is impressed, I think, with the striking contrast between facts and pretensions. In almost every constitution were resonant and high-sounding clauses concerning the sacredness of religious liberty, in some concerning the wisdom and necessity of a complete separation of church and state, and yet in the self-same instruments one is almost equally sure of finding both of these principles wrenched and distorted to the utmost. This is not to be wondered at when one considers that only three of the colonies, Rhode Island, Pennsylvania and Delaware, had acknowledged the equality even of all Protestant sects, and only the last two of these colonies had extended this equality to Catholics. In most of the colonies public Catholic worship was illegal, and in some cases punished quite severely, and in New York and Massachusetts Catholic priests were liable to imprisonment and death.\* It was only natural that the first state constitutions should

\* As a rule, however, the laws against public Catholic worship in the colonies had become practically dead-letters by the middle of the eighteenth century; but their political disqualifications were enforced.

reflect this illiberal spirit, and come very far short of perfectly guaranteeing religious freedom for all sects, and yet, I say, these instruments loudly proclaim the principle of religious freedom.

The South Carolina constitution of 1778, distinctly declared the Christian Protestant religion to be the "established religion of this state," and proceeded to prescribe quite elaborate articles of faith for the same. At the same time this constitution provided that "all denominations of Christian Protestants demeaning themselves peaceably and faithfully, shall enjoy equal religious and civil privileges," and also declared that "no person shall by law be obliged to pay toward the maintenance and support of a religious worship that he does not freely join in, or has not voluntarily engaged to support." \* The Massachusetts Declaration of Rights declared public religious worship to be a duty, and commanded the legislature to require the towns to support at public expense "Protestant teachers of piety, religion and morality in all cases where such provision shall not be made voluntarily." †

The legislature was also empowered to "enjoin" attendance upon public worship. ‡ Who can tell to what lengths of inquisitorial zeal a Puritan legislature might go under the hovering protection of such a clause? The New Hampshire Bill of Rights empowered the legislature to require the towns to support Protestant clergymen at public expense. The Maryland Declaration of Rights empowered the legislature to

"Lay a general and equal tax for the support of the Christian religion; leaving to each individual the power of appointing the payment over of the money collected from him, to the support of any particular place of worship or minister, or for the benefit of the poor in general of any particular county." §

\* Art. 38.

† Art. 3.

‡ *Ibid.*

§ Art. 33. It is well to note, however, that the legislature never imposed such a tax.

The Georgia constitution provided that no persons, "unless by consent [shall], support any teacher or teachers except those of their own profession." \* I think this clause would have empowered the legislature to require persons to support teachers of their own persuasion (though such a law could easily have been evaded).

In six of the states † none but Protestants, and in two others, ‡ none but Christians could be elected to the legislature or hold high office. In four states, Delaware, Pennsylvania, Vermont and North Carolina, members of the legislature and important officers were required to acknowledge the inspiration of the Old and New Testaments; in the last three of these, the doctrine of divine rewards and punishment; and in the first the doctrine of the Trinity. Five of the revolutionary constitutions § barred clergymen from election to the legislature or high office. The South Carolina constitution of 1778, in addition to other electoral qualifications, required electors to believe in God and a future state of rewards and punishments.

The New York constitution was the only one of these instruments that was absolutely free from the above objectionable inconsistencies. In this constitution religious liberty was quite perfectly guarded, || and this fact is the more interesting to note because the discriminations here made in colonial statutes had been peculiarly harsh.

VIII. *Education*.—Only a few of the states inserted in their first constitutions provisions regarding education and except in the case of two states these provisions were not very satisfactory. The Georgia constitution simply provided that

"Schools shall be erected in each county, and supported at the

\* Art. 56.

† New Hampshire (1784), Georgia, South Carolina, Pennsylvania, Vermont, North Carolina. The New Jersey constitution (Art. 19), also, by specifically providing that all Protestants could hold office, impliedly prohibited all others.

‡ Massachusetts, Maryland.

§ Georgia, Delaware, Maryland, New York, South Carolina.

|| Art. 38.

general expense of the state, as the legislature shall hereafter point out.”\*

The Pennsylvania constitution a little more specifically provided that

“A school or schools shall be established in each county by the legislature, for the convenient instruction of youth, with such salaries to the masters paid by the public, as may enable them to instruct youth at low prices; and all useful learning shall be duly encouraged and promoted in one or more universities.”†

The North Carolina constitution contained exactly the same provision.‡ The Vermont constitution still more definitely provided that

“A school or schools shall be established in each town, by the legislature, for the convenient instruction of youth, with such salaries to the masters, paid by each town; making proper use of school lands in each town, thereby to enable them to instruct youth at low prices. One grammar school in each county, and one university in this state, ought to be established by direction of the General Assembly.”§

The Massachusetts and New Hampshire (1784) constitutions contained by far the most comprehensive provisions concerning education and learning. The latter instrument declared it to be

“The duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, science, commerce, trades, manufactures and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments among the people.”||

The former instrument contained almost identical language,¶ and in addition made detailed provisions concerning

\* Art. 54.

† Art. 44.

‡ Art. 41.

§ Sec. 40.

|| Poore's "Charters and Constitutions," Vol. ii, p. 1291.

¶ Massachusetts constitution, Cap. v, Sec. 2.



Harvard University.\* These provisions would seem to furnish a constitutional foundation for the veriest paternalism conceivable, and it would have almost taxed the ingenuity of superhuman wisdom to have executed them.

IX. *Delegates to Congress.*—The Articles of Confederation, it will be remembered, required that delegates to the Continental Congress be annually elected in such manner as each state legislature should provide, subject to recall and with eligibility limited to three years out of six. These provisions simply struck an average between the provisions of the various state constitutions on the same subject. It may be well to briefly state the provisions on this point contained in these latter instruments.

The constitutions of New Jersey and New Hampshire (1776) did not provide in any manner for the election of delegates to congress. This perhaps is not to be wondered at when we remember that both of these constitutions were considered as merely temporary instruments and that when they were adopted it was scarcely expected that there would long be any occasion for a continental congress. The constitutions of Delaware, Maryland, Massachusetts, North Carolina, South Carolina (1776 and 1778) and Virginia provided that delegates should be annually elected by joint ballot of both houses. The constitution of New Hampshire of 1784 provided that delegates should be elected annually by each house separately. In Pennsylvania and Vermont delegates were to be annually elected by the Assembly. In New York each house was to nominate annually a full list and names occurring in both lists were to be declared elected. The Georgia constitution declared that delegates "shall be appointed annually," but does not state by whom they were to be appointed.† In practice, however, they were elected directly by the qualified electors.

In Maryland delegates were made ineligible three out of

\* *Ibid.*, Sec. 1.

† Art. xvi.

every six years; in New Hampshire (1784), two out of every five years;\* in Pennsylvania and Vermont, three out of every five years. In North Carolina delegates could not serve more than three years successively, but the constitution did not fix any definite period of ineligibility.† The Massachusetts constitution stated that delegates were "to serve one year," but made no statement regarding ineligibility. The Massachusetts constitution bluntly asserted that delegates could be "recalled," while the North Carolina, Vermont and Pennsylvania constitutions merely stated that delegates could be "superseded."‡

The Georgia constitution was peculiar in that it declared that delegates could sit, debate and vote in the House of Assembly. The Maryland constitution applied the principle of rotation in the election of delegates, so that two, at least, should be changed annually. This constitution also fixed the qualifications of delegates, said delegates being required to be twenty-one years of age, resident in the state for five years, and owners of real and personal property worth one thousand pounds current money. In New Hampshire a delegate was to have the same qualifications as the president of the state.

X. *Slavery*.—Only a few of the revolutionary constitutions made any direct reference to the subject of slavery. A few impliedly recognized the institution, and some contained prohibitory clauses of more or less mandatory effect. The constitution of South Carolina of 1778 conferred civil and political rights only upon "free whites."§ The constitution of Georgia conferred political rights only upon "whites."|| These constitutions evidently sanctioned slavery. It might

\* This was plainly a violation of Article 5 of the Articles of Confederation, which forbade any one serving more than three out of six years.

† Article 5 of the Articles of Confederation fixed such a period. See above.

‡ I am unable to ascertain whether the differences implied in the terms *supersede* and *recall* were contemplated in these constitutions. Certainly practice took the form of recall in both these states as well as in others.

§ Art. 41.

|| Art. 9.

perhaps be argued that the use of the word "freemen" in those clauses of the constitutions of Maryland, North Carolina and Pennsylvania, which defined civil and political rights, recognized slavery as an institution. In the cases of Maryland and North Carolina I see no reason why such reasoning would not be valid, but in the case of Pennsylvania there was a clause in the declaration of rights which furnished a very good basis for an opposite argument. Article 1 of that instrument read as follows:

"That all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety."

It is certainly true that this language did not directly forbid slavery in Pennsylvania, but at the same time it is quite as direct and mandatory as that of the New Hampshire bill of rights, which was generally thought in that state to abolish slavery, and as that of the Massachusetts declaration of rights, which was construed by the supreme court of that state in 1781 to abolish slavery. The language of Article 1 of the New Hampshire bill of rights was as follows:

"All men are born equally free and independent; therefore, all government of right originates from the people, is founded in consent, and instituted for the general good."

Article 1 of the Massachusetts declaration of rights read as follows:

"All men are born free and equal, and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness."

The only revolutionary constitutions which made any direct reference to slavery were those of Delaware and Vermont. The former instrument declared:

"No person hereafter imported into this state from Africa ought to be held in slavery under any pretence whatever; and no negro, Indian

or mulatto slave ought to be brought into this state, for sale, from any part of the world." \*

This language is clear and emphatic, but not mandatory; manifestly legislation was necessary to make it so. The language of the Vermont declaration of rights on this subject was the most direct and comprehensive of all the instruments under our consideration. Article 1 of that instrument declared that:

"All men are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are the enjoying and defending life and liberty; acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety. *Therefore no male person, born in this country or brought from over the sea, ought to be holden by law to serve any person as a servant, slave or apprentice after he arrives to the age of twenty-one years, nor female in like manner after she arrives to the age of eighteen years, unless they are bound by their own consent after they arrive to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.*"

The constitutions of Virginia, South Carolina (1776), New Hampshire (1776), New York and New Jersey made no reference whatever to the subject of slavery.

XI. *Miscellaneous.*—Under this heading I wish to call attention to a number of provisions peculiar to but one or a very few of the revolutionary constitutions which do not readily admit of other classification, most of which, however, are none the less interesting.

Several of these instruments provided for a periodical enumeration of the electors of the respective states, but only three provided specifically for a census in the modern sense. The Massachusetts constitution provided for "a valuation of estates within the commonwealth, taken anew once in every ten years, at least, and as much oftener as the General Court shall order,"† and the New Hampshire constitution of 1784 provided for a similar "valuation of estates" once in every

\* Art. 26.

† Cap. 1, Sec. 1, Art. 3.

five years.\* The New York constitution did not specifically provide for a "valuation of estates," but did provide for a "census of the electors and inhabitants" of that state to be taken once in every seven years.†

The constitutions of Pennsylvania (Sec. 37), North Carolina (Sec. 43) and Vermont (Sec. 34) declared that the "future legislature" of the respective states should regulate entails in such a manner as to prevent perpetuities, but manifestly this language was too indefinite to be mandatory. Article 51 of the Georgia constitution more definitely provided—that "estates shall not be entailed; and when a person dies intestate, his or her estate shall be divided equally among their children." This was the only provision of the kind in any revolutionary constitution, and was very important.‡

While most of the revolutionary constitutions referred to a state militia, only four specifically required the levying, organization and training of the same. These were the constitutions of Georgia (Sec. 35), Pennsylvania (Sec. 5), Vermont (Sec. 5) and New York (Sec. 40).

The constitution of South Carolina of 1778 (Sec. 40) commanded a reform of the penal laws of the state with reference to less "sanguinary punishments;" but the time for such reform was not stated. The constitution of Pennsylvania (Sec. 38) vaguely commanded such reform "as soon as may be."

The constitutions of New Hampshire of 1784 and New Jersey forbade deodands and the forfeiture of the estates of suicides.

The constitutions of Virginia, New York and North Carolina forbade private purchases of lands from the Indians.

The constitutions of North Carolina, Pennsylvania and Vermont forbade the imprisonment of any person for debt,

\* Poore, *op. cit.*, Vol. ii., p. 1284.

† Art. 5.

‡ Between the years 1784-96 all the states followed the example of Georgia in decreeing equal distribution of intestate property.

after the *bona fide* delivery of all property for the use of creditors.

Four of the constitutions touched specifically upon the subject of naturalization.\* The New York constitution (Art. 40) permitted naturalization laws but required the subject to renounce former allegiance and take an oath of allegiance to the state. The North Carolina constitution (Art. 40) declared that foreigners, after taking an oath of allegiance, could "purchase, acquire, hold and transfer land or other real estate," and after one year's residence in the state should be deemed "a free citizen." The constitutions of Vermont (Sec. 38) and Pennsylvania (Sec. 42) contained the same provisions as did the constitution of North Carolina, save that the former two instruments made the additional but elastic requirement of "good character."

The constitutions of Massachusetts and New Hampshire (1784) declared that no person duly convicted of bribery could serve in the legislature or hold office.† The constitution of Pennsylvania (Sec. 32) went farther and, in addition to this prohibition, declared that "any elector, who shall receive any gift or reward for his vote, in meat, drink, moneys or otherwise," should forfeit his right to elect for that time. The Maryland constitution (Art. 54) declared that both the briber and the bribed "should be forever disqualified to hold any office of trust or profit in the state."

The constitutions of North Carolina and Virginia fixed the boundaries of the respective states.‡ The constitution of New York (Art. 36) abrogated all grants of lands within that state made by the king of Great Britain or his agents after October 14, 1775.

It is interesting to note the somewhat rare practice of

\* The Act of Parliament of 1746, concerning naturalization, was still in force in some states. This law prescribed as conditions for naturalization an oath of allegiance, a seven years' residence and the profession of the Protestant faith.

† Massachusetts Constitution, Pt. 2, Cap. vi, Art. 2, and New Hampshire Constitution (1784) in Poore, *op. cit.*, Vol. ii.

‡ North Carolina Declaration of Rights, Art. 25, and Virginia Constitution, last section.

“rotation” provided for in a few of the revolutionary constitutions. The New York and Virginia constitutions provided for the retirement of one-fourth of the senators annually; the Virginia constitution also provided for the retirement of two of the eight councillors every three years; the South Carolina constitution (1778) provided for the retirement of one-half of the privy councillors every year; the Maryland constitution provided that at least two delegates to congress should be changed yearly; the Delaware constitution provided for the retirement of one-third of the members of the upper house annually. Article 8 of the same instrument prescribed a rather peculiar process of rotation in the privy council, as follows:

“Two members shall be removed by ballot, one by the legislative council, and one by the house of assembly, at the end of two years, and those who remain the next year after, who shall severally be ineligible for the three next years. The vacancies, as well as those occasioned by death or incapacity, shall be supplied by new elections in the same manner; *and this rotation of a privy councillor shall be continued afterward in due order annually forever.*”

According to this scheme the term of one-half of the council must have always been two years and of the other half three years.

There were several provisions peculiar to the constitutions of Pennsylvania and Vermont which are worthy of notice. One of the chief peculiarities of these instruments was the creation of a Council of Censors. This body consisted of two persons from each city and county in Pennsylvania, and of thirteen persons in Vermont, elected by the qualified electors. They were to be elected for the first time in Pennsylvania in 1783 and in Vermont in 1785, and in both states every seven years thereafter. It was the duty of this body in each state to inquire whether the constitution had been violated, whether the public taxes had been justly levied and collected, and whether the laws had been duly executed. They were given the power to send for persons, papers and records; to pass public censures; to order impeachments; and

to recommend the repeal of unconstitutional laws. These powers were conferred for one year. The censors by a two-thirds vote of the whole body elected, could call a convention for revising the constitution, but were required to publish proposed amendments six months before the election of said convention.

These same two constitutions contained the following principle of taxation:

"Before any law be made for raising it, the purpose for which any tax is to be raised ought to appear clearly to the legislature to be of more service to the community than the money would be if not collected." \*

The following clause in these same instruments would occasion considerable mirth among a certain class of modern American politicians:

"As every freeman, to preserve his independence (if without a sufficient estate) ought to have some profession, calling, trade or farm, whereby he may honestly subsist, *there can be no necessity for, nor use in establishing offices of profit, the usual effects of which are dependence and servility unbecoming freemen in the possessors and expectants; faction, contention, corruption, and disorder among the people.* But if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable compensation; and whenever an office, through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the legislature." †

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The foregoing study has revealed several glaring defects in our earliest state constitutions, but on the whole perhaps these defects were no more numerous than one would expect when one remembers the circumstances under which these instruments were framed. For example, the most glaring defect of all, viz., the extreme power lodged in the hands of the legislatures, was no doubt directly due to the many aggravating experiences with the colonial governors both in the earlier periods and during the struggle amid which the

\* Constitution of Pennsylvania, Sec. 41. Constitution of Vermont, Sec. 37.

† Constitution of Pennsylvania, Sec. 36. Constitution of Vermont, Sec. 33.



first constitutions were formulated. But faulty or otherwise, it is important to note that these first state constitutions were little more than the pre-existing colonial constitutions adapted to the changed circumstances. The statesmen composing the various state conventions were neither dominated by doctrinarianism nor by the spirit of servile imitation of foreign models. Their work was neither destructive nor creative, but preservative and selective. In almost every case the principal constitutional usages, which had been developed during the colonial period, were preserved. And yet there was large room for statesmanship in the final and detailed formulation of these usages, in their adaptation to the changed conditions, as well as in the exercise of good judgment in occasionally curtailing or enlarging the provisions of the colonial constitutions. In these revolutionary instruments the whole structure and the functions of each department of government were more clearly defined. The upper house, in particular, which had previously been based upon appointment had to be thoroughly remodeled. For this work no foreign model whatever existed, and hence we have found a great variety of provisions concerning this body in the various instruments considered. But the functions of the upper houses in general remained the same as those of the colonial council, save that the function of giving executive advice under the colonial system was conferred upon a separate body by the first state constitutions, *i. e.*, the colonial council was split into two parts, so to speak, the executive council and the upper house. Then, too, in all the states, except Rhode Island and Connecticut, the executive had to be thoroughly reorganized and republicanized by the first state constitutions. But in none of these changes was the identity of the colonial constitutions destroyed.

It would hardly seem adequate to conclude our study of the revolutionary constitutions without briefly noting their influence upon the formation and adoption of the federal constitution. Until quite recently two very erroneous

theories concerning the sources of this latter instrument have prevailed, and one or the other of these theories has seemingly tintured the work of most historians of the constitution. According to one of these theories, the federal constitution is a creation out of hand of an absolutely new frame of government; and according to the other view, it is only a "faithful copy" of the "contemporary constitution of England." We must steer midway between the two theories for the true view.

We have just seen that the first state constitutions were little more than formulations of pre-existing colonial usages. Just so, the federal constitution was very largely the product of a wise selection of the best and most generally observed usages of the various states. The truth is, and this indeed seems most natural, that from the very beginning of American history even to the present, all of our institutions, local and federal, have been constantly growing, and were not at any stage the product of manufacture. All our federal and state constitutions have been the result of this continuous growth, in which there has been no serious break. It is artificial in the extreme to regard the Revolutionary War as an impassable gulf between colonial and national development. Either of the above theories fixes such a gulf. We must remember that there were few destructive elements in the American Revolution. Previous industrial, legal, social and political habits and practices necessarily continued, and the formulation of the first state constitutions at the very outset of our revolutionary struggle was one crystallized result of this fact. But institutional development in America was not to stop at this stage. The inevitable destiny of American constitutional development was a federal republic. Local institutions, fundamentally similar, necessarily expanded into a federal system of government. Signs of its coming had been revealed even during the colonial period. The federal constitution was not the beginning but the climax of American institutional development. Necessarily,

then, the federal constitution was adapted to the already existing state constitutions, the two systems were made to fit formally.

The absurdity of the antiquated theory that the federal constitution was the fiat-creation of the "fathers" is made evident the very instant one applies critical thought and good judgment to the subject. The fifty-five members of the federal convention were not demi-gods, and did not possess the superhuman wisdom necessary for creating an absolutely new constitution that would work admirably for over a century. Indeed the careful student of the period of the formation and adoption of the constitution knows full well that there was little room for mere theory in the federal convention. As Mr. Patterson of New Jersey remarked in that body, "We must follow the people; the people will not follow us." Even the most innocent theoretical suggestions and ventures were scouted and borne down in the intense spirit of practical statesmanship which prevailed. Practical interests and individual views were too many and too conflicting to admit of theoretical constitutional formations. No one of the "fathers" had sufficient mental and moral ascendancy to palm off his constitutional theories upon the others. No theory could possibly have run the gauntlet of "large" and "small" state interests; commercial and agricultural interests; debtor and creditor interests; slave-holding and non-slave-holding interests.

On the other hand, it is the most natural supposition imaginable that the pre-existing state constitutions would very greatly influence the formation and adoption of the federal constitution. From one-third to one-half of the members of the federal convention had been members of the conventions which framed the several state constitutions, and a very large number of the members of the various ratifying conventions had also had a part in the formation of the respective state constitutions. Add to these facts the eminently conservative character of the Americans of the

time, and it would seem strange indeed if the "fathers" should have departed very far from the constitutional forms already worked out on American soil and already embodied in the first state constitutions. If we should take a further step and find a strong actual resemblance, not only in outline but also in detail, between the federal constitution and all or a part of the already existing state constitutions, I think the suspicion would be warrantable that the latter had exerted a strong influence upon the former. Indeed, the burden of proof would almost seem to lie with those who cherish the opposite opinion. Now, as a matter of fact, such a resemblance does actually exist. It would be an easy task to show that most of the purely formal provisions of the federal constitution did actually exist already in one or more of the constitutions which have been outlined in the foregoing pages. Furthermore, conscious imitation of the state constitutions on the part of the framers of the federal constitution could be quite conclusively shown by a careful examination of available documentary evidence. The sources for such evidence to which one would most naturally turn are three in number, the debates of the federal convention, the debates of the various ratifying conventions, and the current pamphlet literature concerning the constitution. In seeking for such evidence however, one meets with some great difficulties. Much of the imitation alluded to was so very natural and spontaneous that it probably would not be noted in set speeches. Another great difficulty exists in the fact that the debates in all these conventions were not very fully reported. But in spite of these difficulties, enough evidence exists, I think, to show quite conclusively the conscious influence of the first state constitutions, both in detail and general outline, upon the federal constitution.\*

As to the other erroneous theory, a careful examination of the above sources makes it equally certain that the

\*Cf. paper by Professor J. H. Robinson on "The Original and Derived Features of the Constitution," in *ANNALS*, Vol. I, pp. 203-43.

"contemporary English constitution" did not exert anything like the influence upon the formation of the American federal constitution, that the advocates of this theory have taken for granted. But no one can deny that English influence was felt to a certain extent in the development of the various colonial constitutions. Both nations are Anglo-Saxon, accordingly the child was necessarily influenced by the parent. The child inherited traits, and yet in the course of his individual development he became very different from the parent. The similarities are rather general analogies than similarities of detail, and these analogies exist more as a result of a certain influence produced far back in the embryonic period of American development, than at any later time. Certainly neither the federal constitution nor the state constitutions were faithfully copied from the English constitution.\*

Perhaps enough has been said to emphasize the very great importance of the revolutionary constitutions and bills of rights (and back of them the colonial constitutions) as the real foundation of American constitutional law. If so, the author of this paper has accomplished his purpose. It was with a belief in the importance of such a study, both to the scholar and the layman, that the author ventured to put together in convenient topical form the leading features of these instruments. But he wishes to make it perfectly clear that he regards these instruments as only the foundation for a proper study of American constitutional law. Equipped with a rich inheritance from the colonial régime, the American has from the first moment of independence been constantly developing his constitution, both state and federal, liberalizing and adapting it to constantly changing conditions, and this by the double process of constitutional amendment and judicial interpretation. It is also of supreme importance,

\*It does not seem to the author, however, that the *exact extent* of English influence upon the development of the various colonial constitutions has yet been adequately shown.

both for the scholar and the educated citizen, to trace these subsequent changes not only in the federal but also in the state constitutions. In the opinion of the author one phase of this subject has been thus far neglected by students, namely, a satisfactory and careful comparative study of the leading phases of state constitutional development. It would seem that the importance and practical utility of such studies would warrant and abundantly repay those endowed with ample time and ability for so large a task.

WILLIAM CLARENCE WEBSTER.

*New York City.*

## PROCEEDINGS OF THE ACADEMY.

*(Continued from p. 151, Vol. VIII of the ANNALS.)*

The Thirty-sixth Scientific Session of the Academy was held in Philadelphia, on November 20, 1896, at 4 p. m., in the lecture room of the Young Men's Christian Association.

The secretary announced that the following papers had been submitted since the last meeting of the Academy:

371. By Professor WM. C. MOREY, of Rochester University: The Evolution of Peace.

372. By D. S. REMSEN, Esq., of New York City: The Fusion of Political Parties. Printed in the ANNALS, July, 1896.

373. By Professor LESTER F. WARD, of Washington, D. C.: The Principles of Sociology. Printed in the ANNALS, July, 1896.

374. By J. P. DAVIS, Ph. D., of Brooklyn, N. Y.: The Union Pacific Railway. Printed in the ANNALS, September, 1896.

375. By GUY C. LEE, Esq., of New York City: Bracton: A Study in Historical Jurisprudence.

376. By Hon. MARTIN A. KNAPP, of the Interstate Commerce Commission: Railway Pooling. Printed in the ANNALS, July, 1896.

377. By K. NAKAMURA, Esq., of Cambridge, Mass.: The Place and Presuppositions of Political Economy.

378. By ERNEST L. BOGART, Esq., of Princeton, N. J.: Financial Procedure in the State Legislatures. Printed in the ANNALS, September, 1896.

379. By Professor Dr. F. SIGEL, of the University of Warsaw, Russia: Sociology and Politics.

380. By Professor F. H. HODDER, of the University of Kansas: The Duty of the Scholar in Politics.

381. By O. J. FROST, Esq., of Denver, Colo.: Notes upon Money.

382. By F. I. HERRIOT, Esq., of Grinnell, Ia.: The State Finances of Iowa.

383. By MAX WEST, Esq., of Washington, D. C.: The Income Tax Decisions and the National Revenues.

384. By W. H. SCHOFF, Esq., of Philadelphia: A Neglected Chapter in the Life of Comte. Printed in the ANNALS, November, 1896.

385. By Professor SIMON N. PATTEN, of the University of Pennsylvania: The Relation of Sociology to Psychology. Printed in the ANNALS, November, 1896.

386. By Professor A. S. HERSHEY, of the University of Indiana. Nationalities in Europe.

387. By Professor WM. A. SCOTT, of the University of Wisconsin: The Quantity Theory of Money. Printed in the ANNALS, March, 1897.

388. By F. W. WHITRIDGE, Esq., of New York City: The Cleveland-Olney Doctrine.

389. By J. D. FORREST, Esq., of Chicago: Professor Giddings' "Consciousness of Kind."

390. By TALCOTT WILLIAMS, LL. D., of Philadelphia: The Money Question.

391. By JOHN E. GEORGE, Esq., of Cambridge, Mass.: The Saloon Question in Chicago.

392. By F. B. EMBREE, Esq., of Evanston, Ills.: The Housing of the Poor.

393. By Professor W. G. L. TAYLOR, of the University of Nebraska: Values, Positive and Relative. Printed in the ANNALS, January, 1897.

394. By CARL STROEVER, Esq., of Chicago: Utility and Cost as Determinants of Value.

395. By Professor FRANK FETTER, of Indiana University: A Translation of Schmoller's "National Economy, Economics and Economic Method."

Professor Roland P. Falkner, of the University of Pennsylvania, read a paper on "The Organization of the Census." This subject was discussed by Mr. Lorin Blodgett, of Philadelphia.

The Thirty-seventh Session of the Academy was held in Philadelphia on December 18, 1897, at 8 p. m. at Horticultural Hall.

The secretary announced the receipt of the following papers since the last session of the Academy:

396. By Professor EDMUND J. JAMES, of the University of Chicago: The First Apportionment of Federal Representatives in the United States. Printed in the ANNALS, January, 1897.

397. By Professor ROLAND P. FALKNER, of the University of Pennsylvania: Crime and the Census. Printed in the ANNALS, January, 1897.

398. By Professor J. C. BRANNER, of the University of California: A Translation of Nabuco's "The Monarchical Cause in Brazil."

399. By Rev. A. DRÄHMS, of San Quentin, Cal.: Arbitration and the United States.



400. By Professor C. G. TIEDEMAN, of the New York University: Silver Free Coinage and the Legal Tender Decisions. Printed in the *ANNALS*, March, 1897.

401. By Professor H. H. POWERS, of Stanford University: An Idea on Distribution.

402. By Professor E. LEVASSEUR, of Paris: The Concentration of Industry and Machinery in the United States. Printed in the *ANNALS*, March, 1897.

Professor Nicholas Murray Butler, of Columbia University, read a paper on "The Administration of City Schools." This subject was discussed by Dr. Edward Brooks, Superintendent of Public Schools, Philadelphia, by Dr. N. C. Schaeffer, Pennsylvania State Superintendent of Public Instruction, and by Dr. R. E. Thompson, President of the Philadelphia High School.

The Thirty-eighth Session of the Academy was held in Philadelphia, on February 25, 1897, at 8 p. m., in the Hall of the College of Physicians and Surgeons.

The secretary announced that the following papers had been submitted since the last meeting of the Academy:

403. By W. C. WEBSTER, Esq., of New York City: A Comparative Study of the State Constitutions of the American Revolution. Printed in the current number of the *ANNALS*.

404. By Professor CHARLES H. COOLEY, of the University of Michigan: Genius, Fame and the Comparison of Races. Printed in the current number of the *ANNALS*.

405. By Professor J. H. HYSLOP, of Columbia University: A Reply to Mr. Lecky—A Constructive Criticism.

406. By TALCOTT WILLIAMS, LL. D., of Philadelphia: Silver in China. Printed in the current number of the *ANNALS*.

407. By Professor ROLAND P. FALKNER, of the University of Pennsylvania: In Memoriam—Francis A. Walker. Printed in the *ANNALS*, March, 1897.

408. By C. W. BROUGH, Esq., Baltimore, Md.: The Finances of Ogden City, Utah.

409. By Professor J. K. INGRAM, of the University of Dublin: Auguste Comte and One of His Critics.

410. By Dr. L. R. HARLEY, of Philadelphia: The Functions of a National University.

411. By E. DANA DURAND, Ph. D., of Albany, N. Y.: Political and Municipal Legislation in 1896. Printed in the *ANNALS*, March, 1897.

Dr. Edward T. Devine, Secretary of the Charity Organization Society of New York City, read a paper on "The Shiftless and Floating City Population." This subject was discussed by Joseph G. Rosengarten, Esq., and by Dr. James W. Walk, of Philadelphia, and by Professor S. M. Lindsay and Dr. W. E. B. Du Bois, of the University of Pennsylvania.

The Thirty-ninth Session of the Academy was held in Philadelphia, on March 26, 1897, at 8 p. m., in the Hall of the College of Physicians and Surgeons.

Professor Sidney T. Sherwood, of the Johns Hopkins University, read a paper on "The Philosophic Basis of Economics: A Word to the Sociologists." This subject was discussed by Professor Lester F. Ward, of Washington, and by Professors Simon N. Patten and Henry R. Seager, of the University of Pennsylvania.

## PERSONAL NOTES.

**London.**—Sir Travers Twiss, the eminent juriconsult, died in London on the fifteenth day of January, 1897. Dr. Twiss was born in Westminster, March 19, 1809. He graduated from University College, Oxford, in 1830, and became a fellow and tutor of the college. In 1838 he was elected member of the Royal Society, from 1842 to 1847 he was Professor of Political Economy at Oxford, and from 1852 to 1855 Professor of International Law in King's College, London. In the latter year he resigned and became Regius Professor of Civil Law at the University of Oxford. Dr. Twiss was also a Queen's counsel, a bencher of Lincoln's Inn, and Queen's Advocate-General. He was knighted in 1867, and in 1872 resigned all his appointments. Among his works are :

"*The Oregon Question.*" 1846.

"*View of the Progress of Political Economy in Europe Since the Sixteenth Century.*" 1847.

"*The Relation of the Duchies of Schleswig and Holstein to the Crown of Denmark and the Germanic Confederation.*" 1848.

"*The Letters Apostolic of Pope Pius IX., Considered with Reference to the Law of England and the Law of Europe.*" 1851.

"*Lectures on the Science of International Law.*" 1856.

"*The Law of Nations, Considered as Independent Political Communities.*" 1861.

"*Law of Nations in Time of War.*" 1863. Published in French in 1886.

"*The Black Book of the Admiralty.*" 1874.

He had also been a contributor to law and other magazines.

## BOOK DEPARTMENT.

### NOTES.

THE COLLECTION ENTITLED "*Annales de la Société d'Économie politique*" (1846-1887) has just been completed, in sixteen volumes, under the editorial supervision of M. Alph. Courtois, the permanent secretary of the society, and is now to be sold to subscribers at the rate of 100 francs for the set.\* In addition to an interesting sketch of the history of the society, these volumes contain the papers presented at the monthly meetings during the whole forty years covered, communications of all sorts concerning topics of current interest and reports of the discussions which these excited, reviews and notices of economic publications, etc., etc. There is thus scarcely a single topic of economic or social importance which does not receive some attention in these pages and to the student who is desirous of ascertaining what French economists have been thinking about during the last fifty years the collection will prove invaluable.

THE EIGHTH VOLUME of Booth's "Life and Labour of the People of London"† completes the "analysis of the population by trades," which was begun in the fifth volume, while the "summary of the general results of the investigation," which was promised for this number, has been relegated to the ninth volume. The divisions of the population whose industrial conditions were left for this volume to describe are: (1) Public service and professional classes, (2) domestic service, (3) the "unoccupied" classes and (4) inmates of institutions.

The general scheme of statistical presentation followed in the preceding volumes has been continued in this so far as it was applicable to the somewhat anomalous character of the divisions under treatment. The description of the civil service is of interest to American readers. The civil servant is on the whole better off than the majority of workers in private employment whose position can be compared with his, largely because of his superior security of tenure.

The description of army life is very plain and matter of fact, yet abundant ground is given for a desire that it might be abolished. One

\* After three hundred subscriptions have been received the price for remaining sets is to be 144 francs. Communications should be addressed to M. Alph. Courtois, 14 rue Richelieu, Paris.

† *Life and Labour of the People of London*. Edited by CHARLES BOOTH, Vol. viii, "*Population Classified by Trades*" (continued). Pp. 430. Price, \$3. London and New York: The Macmillan Co., 1896.

of the gravest difficulties consists in finding employment for the 16,000 men who every year pass from the colors to the reserve.

The final third of the volume is taken up with a detailed account of the paupers, mostly inmates of the workhouse, relieved by the Stepney Poor-Law Union. It is a reprint with but slight changes of chapters in the book on pauperism and the endowment of old age, published in 1892. The matter taken entirely from the records of parochial relief, is given in crude, undigested form, but is not without interest. Compared with American conditions there is evidence of a much harder struggle for existence. Out of 1194 cases of pauperism, 224 were attributed to old age as the chief cause of need, and 355 to sickness and accident. In respect to 58, however, of the 224 cases attributed to old age, vice, drink, pauper associations, and extravagance, are mentioned as contributory causes, and in 20 others of the 224, vice and drink are mentioned in the descriptions of the families. In many other cases no doubt bad habits were a contributing cause though they did not come to the knowledge and records of the relieving officer. Yet with all these allowances made there is evidently a volume of unmerited and struggling poverty quite unknown in American industrial communities.

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A MUCH NEGLECTED line of investigation has been taken up by the Economic Club during the last five years into the consumption of typical English families, of which the first fruit is a scholarly monograph containing the "budgets" of twenty-eight families running over a period of three years.\* Messrs. Charles Booth, Ernest Aves, and Henry Higgs constituted the committee in charge of the work, and in a short "introduction" explain the purpose which they have held in view while thus following "humbly and at some distance in the footsteps of Le Play." They are very modest in the claims which they make for their investigation, admitting frankly that few safe generalizations can be based upon it, and at the same time are careful to give their information in such a way that the reader can himself judge of its accuracy and arrive at independent conclusions. The greatest merit of the work is, perhaps, the clear view which it gives of the difficulties which such an investigation encounters. Comparatively few families can be induced to keep budgets at all. Those which will undertake the task or furnish the requisite information are hardly typical in the sense of representing the average family of their class. When so few budgets are collected, a comparison between

\* *Family Budgets: Being the Income and Expenses of Twenty-eight British Households, 1891, 1894.* Compiled for the Economic Club. Pp. 57. Price, 2s. 6d. London: P. S. King & Son. 1896.

them is confusing rather than helpful, as it emphasizes differences rather than similarities. However these twenty-eight budgets are not without their lessons to the student of social problems. They emphasize the important function of the wife as the *economist* of the laborer's family. They explain why the poor in great cities are so reckless in matters of marriage. They throw some light on the tendencies toward concentration in retail trade, and finally they point the way which economic investigations must follow in future if the science is to be brought into closer harmony with the facts of social and industrial life. The short sketches of the families which precede the accounts of their expenditures are full of interest and give a meaning to the figures which follow, which statistics usually lack. If a similar method were always followed in the presentation of social statistics, results arrived at by this road would command more respectful attention than is usually accorded to them.

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A LITERARY MONUMENT of the recent millennial exhibition at Budapesth has been issued by authority of the Hungarian Minister of Commerce, in a volume entitled "The Millennium of Hungary and Its People."\* Its purpose is to depict the prevailing political, economic and intellectual conditions in Hungary. To ensure its wider circulation, the book has been printed not only in the official languages of the Hungarian dominions, Magyar and Croatian, but also in German, French and English. The volume is what in these days we delight to call a "symposium," to which eminent writers in many fields have contributed. In the twenty-eight chapters which make up the volume, we find a wealth of information which will satisfy the appetite not only of the general reader, eager for information regarding the nation which has so long stood as the outpost of western civilization in Eastern Europe, but also of the specialist in political science, who finds here an authoritative statement of the Hungarian constitution and the peculiar relations of the Hungarian State to the Austrian, as well as the equally interesting but less widely known relations of Croatia-Slavonia to the parent Hungarian stem. Not less valuable are the essays which depict the striking ethnographical conditions of Hungary, the relations of its nationalities, its demographical conditions and its economic activities. The purpose of the work is eminently patriotic, and the reader will hardly find fault with the sturdy national feeling which pervades its pages. It is an interesting document of the Hungarian's estimate of his native land. Those

\* *The Millennium of Hungary and Its People*. Edited by Dr. JOSEPH DE JEEKEL-FALUSSY. Pp. 672. Budapesth, 1897.

who read its pages carefully will recognize that the estimate is well grounded, and will share the hopes of the writers, that the lustre of Hungary's achievements in the civilization of Eastern Europe may not be dimmed.

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IT IS WITH REGRET that we record the publication of another work by Mr. Michael G. Mulhall entitled "Industries and Wealth of Nations."\* Like his previous works, this pretends to be a serious statistical treatment of his subject, and with many will doubtless rank as such. Mr. Mulhall, however, does not confine himself to the published records of statistical offices, but supplies gaps in a manner peculiarly his own. He frankly explained his methods in the *Contemporary Review* of October, 1890. One illustration of many will suffice. "The wealth of nations consists of ten items, all of which can be measured to a nicety, except one, the value of public works. Land, for example, is worth thirty times the assessed annual rental valuation. Houses are worth eighteen times the rental. Furniture (according to insurance agents) is always worth half the value of the house," etc., etc. Knowing these fixed and invariable ratios, though how Mr. Mulhall came into the possession of such mysteries he does not reveal, he can readily obtain any desired figure. The book before us has ample evidence that its figures are in many cases based upon like methods. Of course, there is no direct indication of what is fact and what is conjecture. As a work of reference for scholars, therefore, the book is utterly worthless. One cannot but regret the labor that has been spent in its preparation. Doubtless much of its data is correct and official, but so long as conjectural statistics play so large a role the whole must be rejected.

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STUDENTS WHO HAVE found Dr. Stammhammer's "*Bibliographie des Socialismus und Communismus*" serviceable, will welcome the appearance of an equally exhaustive bibliography of the literature of current social and political problems (*Socialpolitik*)† from the same author. As in the earlier work, so here the alphabetical catalogue of authors and their writings, is followed by a subject catalogue containing references under each topic to all of the separate titles which have preceded. Thus the reader can readily turn to the literature of any question in which he may be interested, and will be gratified to find references not only to books and pamphlets, but also to periodical

\* *Industries and Wealth of Nations*. BY MICHAEL G. MULHALL. Pp. 451. Price, \$3.00. London and New York: Longmans, Green & Co., 1896.

† *Bibliographie der Socialpolitik*. Bearbeitet und herausgegeben von JOSEF STAMMHAMMER. Pp. iv, 648. Price, 18 marks. Jena: Gustav Fischer, 1897.

writings. The bibliography will be found especially rich in regard to the labor problem and the question of poor relief, but so far as we have been able to discover, no important topic is omitted, and under each heading a sufficient number of references is given to tax the resources of even the best equipped library. German literature is, of course, more completely reviewed than English, French or Italian, but in the treatment of such a peculiarly English topic as the Irish question the references are so full and complete that it is doubtful if an English bibliography could have done better. Detailed criticism of such a monumental compilation must be left to time and the co-operative work of students of all lands. For the present we can only express our gratitude for this latest product of German thoroughness and industry.

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REVIEWS.

*Heures de Travail et Salaires. Étude sur l'amélioration directe de la condition des Ouvriers industriels.* By MAURICE ANSIAUX. Pp. 299. Paris: Felix Alcan. Bruxelles: Larcier, 1896.

In his treatment of the labor problem M. Ansiaux is an optimistic conservative. He believes strongly in the necessity and the possibility of improvement in the conditions of the laboring classes, but rejects as impracticable the remedies and reforms proposed by extremists of all classes. His book does not add much, if anything, to our knowledge of the conditions of labor in different parts of the world. Its purpose is rather to analyze well-known conditions and the remedies proposed for their improvement, and to show what is and what is not practicable and along what lines and how, better conditions may be attained.

M. Ansiaux finds the chief causes of the labor problem in the following facts: (1) A permanent wage-earning class which owes its existence to the concentration of industry, occasioned by the widespread use of machinery; (2) Competition on an international scale which has made a progressive cheapening of the cost of production a condition of business success; (3) An over-development of the instrumentalities of production, caused by the concentration of wealth, and leading to the problem of the unemployed. Under these new conditions progress for the laboring class can only be attained through the improvement of the conditions of the wage-earner as such. He cannot as a rule hope to better himself by rising to the rank of master or entrepreneur. A wage-earner he must remain, and, as such, through a progressive shortening of the working day and a progressive rise in wages, he must keep pace with the onward movement of civilization.



The question is, how can the length of the working day be shortened and at the same time the income of the average laboring man increased? The plans and propositions of the socialists are considered first by the author, and are found to be impracticable. He has little difficulty in proving much of their reasoning fallacious and many of their schemes utopian. In the opinion of M. Ansiaux no plan for the improvement of the conditions of the laboring man can offer any hope of success which involves an increase of the cost of production. Unless a shorter working day and higher wages carry with them, as an effect, a corresponding increase in the efficiency of labor, they cannot, he claims, be permanent or beneficial to the laboring class in the long run. Accordingly he investigates in chapters xv. and xviii. the relation between the length of the working day, the height of wages, and the efficiency of the laborer. His conclusion is that, wherever the length of the working day is excessive, its shortening will be accompanied by an increase in efficiency. The same may be said of a rise of wages from a point that is inhumanely low. The point, however, at which the shortening of the working day and the increase of wages cease to increase efficiency is different in different industries and varies with different classes of laborers. It follows that the limits within which it is possible to decree a general rise of wages or a general shortening of hours in all industries are very narrow, but it does not follow that great changes along these lines may not be practicable in particular industries. Indeed, M. Ansiaux shows that, through modifications of the methods of remuneration, calculated to establish the closest possible connection between the amount of pay received by a particular workman and the quantity and quality of his work, and through improvements in the organization of labor and in the instrumentalities of production, continuous, and, in many cases, great changes in hours and wages may be made possible.

The last four chapters of the book treat of the possibility and the methods of educating employers and employes to a recognition of their mutual interests, rights and obligations, of the functions of trade unions and strikes, of the duty of the state, and of the utility of conciliation and arbitration in the attainment of shorter hours and higher wages. In the discussion of these difficult subjects M. Ansiaux exhibits good judgment, unusual freedom from prejudice, excellent powers of analysis, and a praiseworthy desire to be of real service to both employers and employes.

All things considered the book is an excellent illustration of the application of the scientific habit of mind and of the scientific spirit to the solution of a difficult social question.

WM. A. SCOTT.

*University of Wisconsin.*

*The Suppression of the African Slave Trade to the United States of America, 1638-1870.* By W. E. BURGHARDT DU BOIS. Pp. xi, 335. Price, \$1.50. New York and London: Longmans, Green & Co., 1896.

The printing-press has become more and more prominent in the past generation as an ally of the university, and Harvard's historical department now falls in line with those of other educational institutions and begins the publication of a series of studies. This publication is made possible by the income from the Heury Warren Torrey Fund. The book before us is the first of the series, and in paper, typography, and style of binding is eminently satisfactory. Two other volumes in the same series were published in 1896, and, apparently, three volumes may be looked for each year in future. Mr. Du Bois has done a thoroughly good piece of work. His research has been exhaustive and accurate and he has so incorporated the results of that research that the reader has a true book and not an ill-digested collection of facts. The author has learned that great lesson for the historian; the knowledge of what should be put in the text and what left to the foot-notes. It may be added that his references are exceedingly minute and, therefore, peculiarly serviceable.

We question whether Mr. Du Bois is not too severe in his condemnation of the founders of our national constitution for their compromise on the slave trade. While the South had not begun to defend slavery at that time, the North also had not been inspired with that fierce indignation against the "peculiar institution" which nerved her arm to such vigorous attacks against it in later years. The advantages of union were so great and the margin by which it was finally secured was so narrow, that we can easily understand how the Federalists made all things bend to the one object. There is no doubt, however, of the truth of the terrible indictment the author draws against the United States, which did not tax the slave trade, when it was in their power to do so, and which scarcely attempted to enforce the prohibitory act of 1807. Some circumstances may be urged by way of palliation, none by way of excuse. This indictment is not made with passionate invective, but through the careful statement of well-ascertained facts.

The author has done well in disentangling the mingled political, moral, and economic elements, which run through every phase of the slavery question. He has shown that the slave trade of Americans with Africa, was by no means confined to American ports, nor to those secluded inlets where the slavers smuggled in their captives; but that much profit was made by Americans carrying African slaves to the South American countries, and that several states discriminated in favor of this foreign trade, when they forbade the introduction of

slaves into their own territory. The various developments of the slave trade in the "planting," "farming," and "trading" colonies is well described. Attention is called to the influence which the Haytian revolt, under Toussaint l'Ouverture, had upon the passage of our federal prohibitory act. We wished no slave insurrection. The international attitude of the United States receives full discussion, including such topics as the proclamation of the slave trade as piracy, the question of the right of search, the quintuple treaty, and the joint squadron on the coast of Africa.

It is most interesting to see how the status of the slave trade varied. At first, everywhere legal, it was gradually abolished by law in every state. Then, as the economic value of slavery in the South became more clearly known, and as ideas of commercial profit gradually gained ground over those of morality, there came to be large numbers of men, who, by connivance in the traffic, favored the importation of slaves. Through this influence and the apathy of the general government in the matter, it came about that the prohibitory laws were wretchedly enforced, and that large numbers of African negroes were surreptitiously introduced into the United States. Just before the outbreak of the Civil War, there was a decided growth in the South of the sentiment favoring the reopening of the foreign slave trade, and Mr. Du Bois gives a clear account of the efforts made toward this end. The combat between the forces of slavery and freedom was indeed an "irrepressible" one; and, with the appearance of every such faithful study as this, we see more clearly that the nation could not continue half free and half slave.

Over one-third of the book is composed of appendices (pp. 201-325). Some of the matter contained in these appendices is a duplication of the foot-notes, and space might have been saved by reference thereto, but it is very convenient to have all the material in one place. Appendices *A.* and *B.* form a chronological conspectus of colonial, state, national and international legislation on the slave trade, which is of great value, though the propriety of including under this head, the protests of the Society of Friends is very doubtful. The third appendix is a most interesting chronological table of typical cases of vessels engaged in the American slave trade; while the fourth is a bibliography of the whole subject. This is quite an extensive list, and evinces much research. It is not clear why the laws of Alabama and Mississippi Territory are placed under the heading "Colonial Laws." The papers on slavery in the Johns Hopkins University Studies are not mentioned, which is especially an oversight, as it causes the omission of Brackett's useful work on the "Negro in Maryland." Other omissions are Barber's "History of the Amistad Captives," New

Haven, 1840; S. E. Baldwin's paper on the same subject in New Haven Colony Historical Society's Papers, Vol. IV, and Tremain's "Negro in the District of Columbia," in the Nebraska University Studies. On page 20, Mr. Du Bois states the return of sixteen slaves in Vermont in the census of 1790, is an error. This may be true, but that slaves were held in Vermont seems to be established by Jennings' "Memorials of a Century" (pp. 63-64).

BERNARD C. STEINER.

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*The Speaker of the House of Representatives.* By M. P. FOLLETT, Pp. xvi, 330-47. Price, \$1.75. New York: Longmans, Green & Co., 1896.

The political experience of the United States offers material for many valuable volumes on politics. But we lack political scientists who utilize this storehouse of facts. It is so easy to study the constitutionally constructed machinery; to show how the various parts are adjusted to one another and their loss of power through friction. But a large part of our political machinery is extra-constitutional. Unpatented, it is changed continually. The raw material which it weaves into legislation is varied and often difficult of discovery, for it lies embedded in the complex life of society. This makes it difficult to study the living and dominant political forces, and has led the political scientists of our country to avoid the rich fields of human experience and to deal with words and traditions rather than to face the facts of political life.

Personality is an element which must be reckoned with in attempting to explain the growth of institutions. The dignity and power of an office depend mainly upon the incumbent's character and his conception of the scope of his duties. This, of course, does not deny the existence of other important factors in the production of an office. Necessity is the mother of political offices as well as of invention. These observations were suggested by the method followed in the book under review. The author shows that while the Speaker is barely mentioned in the United States constitution, to-day his power is second only to the President's. While Miss Follett has laid considerable stress on the personal element in the development, she has not neglected to set forth the conditions which demanded an extension of the Speaker's authority.

The book begins with a brief historical sketch, under "Genesis of the Speaker's Power," and is continued under the following chapter headings, which indicate the scope of the work: "Choice of the

Speaker;" "The Personal Element in the Speakership;" "The Speaker's Parliamentary Prerogatives;" "Maintenance of Order;" "Dealing with Obstruction;" "Power through Committee System;" "Power through Recognition;" "Power as a Political Leader;" "The Speaker's Place in Our Political System."

Most persons realize, as each Congress meets and the contest for choice of Speaker is going on, that the speakership is the most important office in the gift of the House. It is also generally thought that when the fifty-two committees are appointed the Speaker is shorn of his strength. But the author clearly shows that from the time when he is escorted to the chair until the vote of thanks is passed the Speaker is the pilot of Congress and determines the course of legislation. To him is largely due the credit or the blame of the success or failure of the session. The author describes several bitter contests in choosing a Speaker. She shows how necessity has induced determined speakers to resort to extra-parliamentary tactics in order to enable the House to organize or to carry on its work, and how in this way new and important rules have been established, as rigid as constitutional paragraphs.

In discussing the responsibility of the Speaker, the author has fallen into the error of the legists by making much of this responsibility. The keynote of her remarks is: "A Speaker elected by the House is responsible to the House." But as no Speaker has ever been called to account for his official actions this theory is merely a dead letter. In fact, the Speaker is no more responsible to the House than the President is. Later on in the book this theory of responsibility is impliedly admitted to be fallacious, for the author advocates the making of the speakership a politically responsible office.

Now, under our present system of dual party government, it is impossible to bring a speaker to account for his actions, because his rulings, although they may be arbitrary, are nearly always made in the interests of party, consequently, his party will not censure him for carrying out its measures. If a different system of representation were adopted so as to bring numerous party factions in the House, it might force the Speaker to consider more the character of his bills than their partisanship. Even though a Speaker were made responsible to the House, the co-operation of the Senate is entirely beyond his control, so that legislation could not be furthered by such responsibility. The book shows a great amount of patient research. It is the kind of work which gives us an insight into the functional activity of government.

JOHN QUINCY ADAMS.

*Problems of Modern Democracy: Political and Economic Essays.*

By EDWIN LAWRENCE GODKIN. Pp. 332. Price, \$2.00. New York: Charles Scribner's Sons, 1896.

It is matter for congratulation that these essays, with their wealth of trenchant criticism and strenuous thinking upon political and economic questions, have been gathered from the half dozen periodicals, in which they were originally published into a single neat volume. Three of the essays bear date of 1896, and seven more belong to the last ten years. The remaining essay, the first and by far the longest, dates from the closing year of the Civil War.

Yet this analysis of "Aristocratic Opinions of Democracy," made thirty years ago, is not only the strongest piece of writing in the volume, but it also pursues a line of inquiry which recent happenings have made strangely *à propos*. Not a few critics of American political and social institutions have fallen into the error, prominent in the writings of even so great a publicist as M. de Tocqueville, of concluding that the characteristic features of our civilization result from but a single cause, that they are the normal and permanent effects produced by "democracy, the operation of the principle of equality."

Mr. Godkin, on the other hand, insists that "the agency which gave democracy its first great impulse in the United States, which has promoted its spread ever since and has contributed most powerfully to the production of those phenomena in American society which hostile critics set down as peculiarly democratic, was neither the origin of the colonists, nor the circumstances under which they came to the country, nor their religious belief; but the great change in the distribution of the population, which began soon after the Revolution, and which continues its operation up to the present time." During the colonial period the dependence upon England for many of the necessities and conveniences of life, and the difficulties of travel constituted strong obstacles to expansion, and the people of the fringe of colonies tended to become more homogeneous and to reflect the life and manners of the mother country. But following the Revolution came the rapid migration westward in successive waves, immensely stimulated by the spread of steam navigation on the great rivers, then by the influence of railroads, and swelled by the floods of immigrants from abroad. It presently resulted that "the pioneering element in the population, the class devoted to the task of creating new political and social organizations as distinguished from that engaged in perfecting old ones, assumed a great preponderance." It is this frontier element that has fixed upon American life the traits of a *new* country,—traits not to be found in a country democratic and not at the same time

new,—such as eagerness in pursuit of individual gain, want of respect for training and profound faith in natural qualities, the absence of a strong sense of social and national continuity and of taste in art and literature and oratory, and a prodigious contempt for experience and for theory. But “the greatest fault of new countries is their newness, and for this time is the great remedy.” It may, therefore, be anticipated that, prominent as some of these unfortunate traits have been in the past few months, every day that passes will weaken the force and hasten the disappearance of the frontier element.

The appearance of Sir Henry Maine’s “Popular Government” and of Mr. Lecky’s “Democracy and Liberty” served to call from Mr. Godkin enlightening comment and criticism. He insists that it is not enough for the critics to point out defects in democracy. They must compare general happiness with general happiness, and show us where and when was the Golden Age from which we who live under democracy have fallen away. The utter insecurity of the basis upon which Sir Henry Maine grounds his doubts as to the stability of democracy is clearly shown. “Democracy,” as Mr. Godkin defines it, “is simply an experiment in the application of the principle of equality to the management of the common affairs of the community.” Its advance he deems irresistible. The successful carrying out of the experiment is complicated by the failure of our nominating system, the growth of corporations, the decline of legislatures, and the transfer of government in a rich community from the rich to the poor. In short, “Democracy in America, like democracy and monarchy elsewhere, is following the course of other political societies. It is suffering from unforeseen evils, as well as enjoying unforeseen blessings. It will probably be worse before it is better. It is trying a great many experiments in laws and manners, of which some, doubtless, will be hideous failures. The régime of ‘crazes’ through which it is now passing is very discouraging, but it is engaged, like most other civilized societies, in a search after remedies.” In illustration, the history of the movement for civil service reform is instanced, proving that when a democracy is once convinced that a wrong must be righted, the work can be done with phenomenal rapidity and thoroughness even in the face of apparently insurmountable obstacles.

In “The Economic Man,” and “Who Will Pay the Bills of Socialism?” Mr. Godkin has held in reserve his choicest sneers for the “romances of the ethical economists.” He insists that these men are less scientists than politicians, would-be lawmakers, “mainly occupied in the attempt by legislation to take away money from capitalists and distribute it among laborers.” “A very large part of their

work," he continues, "is to be wrought through 'ethics,' or 'the science of ethics,' which, I believe, is the name given by the various schools to the opinions of some of their members about the injustices of the competitive or present system." There is not a little of bias and unfairness in these essays, but they insist with refreshing vigor upon some often neglected truths, that individual liberty is a priceless good; that the present wealth total is so small that no readjustment of distribution could give to each family more than a very slender sum, and hence that any millennial scheme of distribution must be put aside as Utopian, unless it gives assurance of a greatly increased wealth dividend while population makes little or no gain. "The Political Situation in 1896," "Political and Social Aspects of the Tariff," and "Criminal Politics," deal most pungently with topics of to-day.

The remaining essays, "Idleness and Immorality," "The Expenditure of the Rich," and "The Duty of Educated Men in a Democracy," sound a note hardly to be expected from one who has just spoken so contemptuously of "ethics." Mr. Godkin asserts that "the taxes paid by the annuitant or *rentier* class are but a trifling return, in reality, for the security they possess for person and property." Into the mouth of the "reasonably or unreasonably" resentful masses he puts the prediction that "we shall never have social peace till every man has a fair share of social burdens." But, since "the best thing in the world is individual freedom," Mr. Godkin opposes any attempt by legislation to adjust these burdens more equally, and contents himself with urging upon the rich the unprecedented "opportunities for men of fortune to find enjoyment in contributions to the public welfare." He summons them to leave their childish round of sports, their aimless wanderings, their vulgar display of wealth in huge houses, and to devote themselves to the "work of persuasion through voice and pen" and to the ministering to the public in the gift of noble buildings and works of art. It remains to be seen whether this appeal to the rich to recognize their most refined enjoyment, their most enlightened self-interest, will prove more effective than the preaching of "the law of social service" and "the responsibilities of wealth" by the despised "ethical economists."

There is no flavor of cant or of sentiment about these essays. Their atmosphere is decidedly cool. Mr. Godkin frankly avows: "Now I am not an enthusiast for Popular Government, or for any other form of government. I believe politics to be an extremely practical kind of business, and that the communities which succeed best in it are those which bring the least enthusiasm to the conduct of their affairs." But in lieu of fervor and enthusiasm the candid reader will



gratefully accept that which is far more needed,—an honest purpose, straightforward, vigorous thought, and fearless criticism.

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*Economics: An Account of the Relations Between Private Property and Public Welfare.* By ARTHUR TWINING HADLEY, Pp. xi, 496. Price, \$2.25. New York: G. P. Putnam's Sons, 1896.

Nothing perhaps in Mr. Herbert Spencer's writings has given such healing balm and comfort to professional economists as the well-known first chapter of the "Study of Sociology," with its forcible sketch of the readiness of the popular mind to pass absolute judgment upon complex questions of economic policy. The common absence of what Professor Giddings has phrased "popular respect for economic knowledge" is in considerable part the penalty paid by an unfinished science, the subject-matter of which consists largely in facts of familiar experience. In some degree, however, it seems a result of the splendid aloofness of the economist. His unending theme has been the complexity of modern industrial life and the easy descent to economic dicta; but his effort to provide a clue to the tangled skein has been rare and inadequate. The periodic preparation of economic guides to the perplexed is surely not the prime mission of the economist. Yet to the hard-headed, well-balanced man of affairs the need of an intelligible interpretation of industrial life, is pronounced, and the worth of the professional economist is estimated by this larger student body by a relentless law of subjective utility.

The careful reader will put aside Professor Hadley's "Economics" with a keen sense that here more successfully than in any treatise since written has the method of Adam Smith been reproduced. The conscious purpose of the book is "to apply the methods of modern science to the problems of modern business." The busy economic world that hums and throbs about us, the ceaseless activities of men engaged in complex processes of "getting a living" constitute the essential data; scientific method, forcible exposition and large acquaintance with practical details afford the requisite apparatus, and the result is an interpretation as remarkable in grasp as it is vigorous in statement.

But Professor Hadley's book will not be read merely as a semi-popular exposition of economic phenomena; it will be studied as a contribution to economic science. The student reader has throughout the satisfying sense of close touch with the body of economic thought and with the current of economic discussion. Appealing as it does both to the specialist and the general reader, fault will doubtless be found with the author for omitting some things and over elaborating

others. Thus in the first chapter on "Public and Private Wealth," the critical notes on current economic theories, helpful and suggestive to the economic specialist, will be found serious obstacles to the progress of the ordinary reader. On the other hand, the radical departure in plan of arrangement from that of ordinary economic treatises can hardly fail to enhance the popularity at the expense of the permanence of the volume.

It is not easy to resist the temptation to supplement a general estimate by detailed exposition; but criticism of specific topics and development of particular themes within the volume can be made more properly as such, than under cover of a broad survey. Professor Hadley has given us a book which fills a long felt practical want in affording a vista through which the ordinary man may see the industrial forest of which the leaves surround him. But the volume is more than this. As an acute critical synthesis of current economic theories, it becomes by its very existence the centre of future discussion and the occasion of forthcoming thought.

J. H. HOLLANDER.

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*Siedelung und Agrarwesen der Westgermanen und Ostgermanen. der Kelten, Römer, Finnen, und Slawen.* By AUGUST MEITZEN, 3 vols., with an atlas. Price, 48 marks. Berlin: Wilhelm Hertz, 1895.

This book is the largest, most sumptuous, most exhaustive, and most learned which economic history has yet given us. It is true that Lamprecht's "*Deutsches Wirtschaftsleben im Mittelalter*" and Thorold Rogers' "History of Agriculture and Prices in England," rival it in bulk and in minuteness of detail, but in neither of these is there the broad outlook, the equally detailed treatment of all branches of the subject, and the profuse use of illustrations and maps, which make Meitzen's work so impressive. There are, for instance, in the three volumes, 269 illustrations set in the text, and in the atlas volume 125 additional sheets of maps, plans, and pictures. These plans of village holdings, the distribution of the pieces of land possessed by the respective villagers, in past times and in the present, are of the greatest interest and value, and will be to the greater number of readers, at least, quite new. Such maps have been previously printed in very small numbers and in comparatively inaccessible places; and yet nothing can give a more realistic sense of the open-field and scattered strip systems.

To return to an analysis of the outer form of the work; the field studied covers in space all of Germany, Scandinavia, and the British

Islands, large parts of the Netherlands, France and Italy, and some districts further east in Europe; in time it begins far enough back to include a detailed study of the Roman land-system, and extends through the whole of the Middle Ages, with occasional discussion of quite modern problems. Moreover, this is only the first instalment of the whole work; a second part, dealing with the later land history of the same countries being announced to follow.

Such a monumental work could only be accomplished by a man who, like Professor Meitzen, has been able to give almost more than a generation's study to the subject, and whose special position and connections have enabled him to collect an unprecedented wealth of material. In fact Professor Meitzen bridges over the period from the beginnings of the study of agrarian history to the present. He was the contemporary of Hansen, Nasse, and Maurer, as he is of Lamprecht, Ashley, and Gothein. Thus these volumes represent the ripened, and, in a sense, completed work of a man who is both a pioneer and original investigator of his subject, and also the teacher, correspondent and critic of those whose later labors in adjacent fields he includes with his own in this general treatment.

The fundamental idea of the work is the permanent influence of the original settlement of a people in fixed habitations. While tribes are nomadic, or obtain their subsistence from fishing and the chase, they already have a certain social organization and may even have a general system of land ownership, and possess houses which they occupy to which they frequently return. But when a family or a group of families has once settled permanently on a definite tract of ground, from which subsequently they extract their subsistence, so many complications immediately arise, the need of agricultural knowledge and foresight, provision from local resources of material for buildings and clothing, the securing of a water supply, the social requirements of a distribution of the possession or use of land, of protection against theft, of settlement of a thousand disputes that arise from contiguity of living. These new needs initiate such a rapid process of defining and formulating the method of life that such a settlement takes on then the character which it holds permanently, or at least through long periods of time. If then a detailed study can be made of the actually existing distribution of the land and methods of its use among any people, of the forms of their barns and the plans of their dwelling-houses, of their traditional economic relations among themselves, it will be possible to work backward from the present through the past history of that community, to the very beginnings of its fixed settlement. "In every village we wander, in a certain sense, among the ruins of the past; ruins which, in age, leave the romantic remains

of the castles and city walls of the Middle Ages far behind. At every step, everywhere, in barnyard and field, we may meet the traces of the oldest conditions. The plan of ownership of the village lands is a veritable manuscript which conveys to us, legible as though in hieroglyphs, the ideas and aims of the early founders."

Professor Meitzen proceeds to make the study of existing and recorded agricultural facts; in the first place for the districts of pure unmixed Germanic life, where no other race has dominated in any historical time; then for the purely Celtic lands, Ireland, Wales, and Scotland, in order that the influence of the German system upon the Celtic can be traced out where those two races came into contact directly, without the intervention of the Romans. Next he studies the Roman land system, in all its aspects except the purely legal one, so as to be able to measure its influence upon the Celtic, and thus to show how far the Teutons introduced changes upon this Celto-Roman field. Similarly, the method of settlement of the western Slavs is investigated and the circumstances by which they were to a considerable extent Germanized in social system as in political domination. In addition to these races which had a mutual influence, the Finnic tribes and the steps by which their land became regularly occupied are subjected to a like, though an independent study. With this analysis as a basis, and aided by direct historical records, the author constructs a map of the settlements of the races, and reaches a number of other generalizations directed to the explanation of difficulties in the history of the past, and subordinated to the solution of the agrarian problems of the present and the future. These generalizations we have found somewhat less satisfactory than the direct and detailed studies of settlements, agriculture, and landholding. For instance, he seems to predicate an almost mystical unity of race, by which people of the same stock will develop like institutions wherever they may be; an invariable connection of a particular type of house or barn or place of agriculture with people of one special blood; the continued purity of races, keeping themselves free from admixture, although superposed in successive strata on the same soil. But these are, after all, mere suppositions, and an historical theory involving them, while it may of course be a correct theory, will still always be somewhat shadowy and unreal. Again, Professor Meitzen accepts unquestioningly the unity of the Aryan race, its central Asiatic origin, and the possibility of reconstructing from its radical words a picture of its early civilization. Most other scholars, however, have abandoned these as hasty generalizations, formed in the first glow of the enthusiasm of the comparative philologists. And in the most fundamental of his premises, the survival in modern rural villages of the original characteristics of the first settlement, a distinct

effort of faith must be made in order to believe that so much that is primitive can have remained through repeated periods of devastation and depopulation, as well as through the equally destructive processes of improvement or growth.

But in direct investigation and explanation of the conditions of rural occupation and landholding in the present and in the past, the impression made by Professor Meitzen's work is very different. Nothing could be more admirable than his study of Roman agrarian conditions. Every indication given by the physical conformation of the country, by archæological remains, by the testimony of the ancient authors, or the studies of modern investigators is made use of to obtain a clear and adequate picture of the way the Romans cultivated their land, surveyed, divided, and occupied it. The various forms of ownership or possession, the nature of the land taxes, the classes of the people as determined by their relation to the soil, the policy pursued by the government in disposing of its acquired domains, are all described with a fullness and scholarly care that makes the chapters devoted to this subject the best study of Roman land conditions in existence. And there is in all the description a note of reality that comes from the direct practical explanations of the man who is familiar with tools and measuring instruments corresponding to those of the people he is describing. The fact that the unit of land measurement of the Romans, the *jugerum*, as well as the plats which they actually cultivated, were of a square form, while among the Germans, the *morgen*, like the English acre, was always a long narrow strip, is explained in the following ingenious way: "The Roman plow had a sharp share, but no mould-board, or if any it extended equally on both sides and broadened to the top. The result was simply that of plowing with a pointed stick, the earth after being cut and stirred, fell together again at the back, and each successive furrow left between it and the last a ridge of hard soil undisturbed by the cultivation. It was therefore necessary to plow again crosswise, all fields having a double plowing, first along, then across. The more nearly square the field was, therefore, the less turning of the draught-animals would there be in plowing the narrower way. Among the Germans, on the other hand, the plow on the modern principle was in early use. The soil was lifted entirely out of the furrow and turned over to the right, the soil from the succeeding furrow being thrown into the first, and so on. Thus only one plowing was necessary and a long strip would involve less turning by the animals and be therefore most convenient. Thus the plat like the old English acre, which was forty rods long and four rods wide, or the familiar modern 'land,' was practicable and natural, whereas in the Roman system it would not have been."

Similarly, he points out in another connection, that Mr. Seeborn's stress laid upon the "balk" or division between the acre strips is exaggerated. Such a division being by no means universal in modern open fields, and disproved for earlier times by the curving lines of adjacent strips. It is inconceivable that these edges would have become curved if the strips of arable ground had been separated by a permanent border of turf. This constant combination of the practical out-of-door suggestion with the learned results of work in the study, is one of the most pleasant as it is one of the most valuable features of the book. The demonstration that the so-called Saxon house is a survival of the Celtic form which the Teutonic invaders found on the soil between the Weser and the Rhine, and that the Scandinavian and East German type of dwelling-house is strikingly similar to the early Greek type, and probably modeled after it, are good instances of this characteristic.

The whole book is indeed a storehouse of information on its subject, carefully examined, clearly explained, generally illustrated, and systematically set forth. It is, moreover, the nearest that we yet have to an authoritative general treatment of the subject. All students of economic history, therefore, owe to Professor Meitzen and to his publishers, a debt of gratitude for this full presentation of his ripened knowledge, and for the liberal reproduction of maps, charts and views which would otherwise be absolutely inaccessible.

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*Cours d'Économie Politique.* By VILFREDO PARETO, Professeur à l'Université de Lausanne. Vol. I. Pp. 430. 1896. Vol. II. Pp. 426. 1897. Lausanne: F. Rouge.

Professor Pareto's purpose in these volumes is to give a sketch of economics considered as a natural science, founded upon facts. The two ideas dominating the entire work are the possibility of successive approximations, and the mutual dependence of economic and social phenomena. The first volume containing the principles of pure political economy, along with a study of *capitiaux personnels*, *mobiliers* and *fonciers*, furnishes the first approximation of economic phenomena, that is, the general conditions of economic equilibrium, and becomes the point of departure for successive approximations with which the greater part of volume one, and the whole of volume two are concerned. The second volume, following the fundamental idea of the interdependence of economic and social phenomena, opens with an exposition of the general principles of social evolution,

and treats, in succession, of production, exchange, economic crises, the distribution and consumption of wealth.

The work is to be strongly commended for the sketch it gives of Italian economic literature; the incidental contributions to economic history and the history of economic theory contained in its voluminous foot-notes; the consummate skill with which use is made of statistics as premises, illustrations and tests of theories; the fidelity with which are wrought out the two fundamental ideas of the work, already alluded to, and the brilliant statistical and mathematical investigations into the distribution and consumption of wealth with which it closes.

The study of the distribution of wealth is probably the most original and suggestive part of the work. Professor Pareto makes the discovery that the equation to the curve indicating the distribution of incomes among the individuals of a country is  $N = \frac{A}{x^a}$  where  $A$  and  $a$  are constants,  $x$  the value of any income, and  $N$  the number of persons having incomes above the value of  $x$ . Or, to be more explicit, if we construct a system of rectangular axes and lay off upon the axis of abscissas the logarithms of  $x$ , and upon the axis of ordinates the logarithms of  $N$ , the line passing through the points thus determined will be a straight line whose equation is

$$\log. N = \log. A - a \log. x.$$

I shall point out only one interesting property of this line. It is discovered that the lines of distribution of various nations are almost parallel, or, in other words, that the quantity  $a$ , representing the inclination upon the axis of  $x$ , is almost the same for all countries. Consequently if the distribution of incomes varies but little in different countries, different epochs, and different organizations, the principal cause of such distribution must be found in the nature of man—a valuable truth for hasty reformers to learn. Professor Pareto makes still further interesting studies of the curve in relation to socialism, pauperism, and the curves of demand and supply.

It would seem that the chief defect in the work lies where one would least expect. The author claims to be an eclectic in method, to use history, philology, biology, and mathematics wherever they can throw light on his subject. This would be the ideal method if, when treating any question, the author would exhaust all special methods, but it is confusing and unsatisfactory when, for example, a subject that is peculiarly in need of deductive treatment is treated historically alone. The author's discussion of coalitions is an illustration of this defect in method. This difficult subject is a special problem in the field of monopoly value, the very field in which the mathematical method has achieved its first and greatest success. An exhaustive

mathematical treatment would therefore be expected of a mathematical economist. But instead of this, we have in the part on "Pure Political Economy" a "first approximation" treated mathematically, while, in the "Applied Political Economy," the greater part of the discussion is devoted to a history of monopolies among the ancients and in the Middle Ages.

Objection may also be made to Professor Pareto's frequently unnecessary and confusing use of mathematics. In his first book, he develops the formula for the exchange of commodities by differentiating a second equation that is absolutely unintelligible to a reader unfamiliar with a fuller discussion of the formula in some such work as that of Walras. After making the complex development, he points out that substantially the same results might be obtained without the use of the differential calculus. Professor Pareto cannot expect to reconcile his non-mathematical reader with this method of confusing him by telling him (§56) that, if he does not understand the mathematical explanations, he will have all the advantage in learning the language in which they are given!

A curious slip for a mathematical economist is made in the discussion of population, a slip that parallels the error of Malthus. In the "Essay on Population," Malthus bases his theory on the supposition that population tends to increase in a geometrical, while subsistence increases in an arithmetical, progression. Pareto discusses the question of population as treated by Malthus. He reviews the growth of population in England between certain years and finds that it has increased in geometrical progression. But he finds also that the average income of the individual has *increased* during these years. He therefore argues

"il s'en suit que pendant ce laps de temps la richesse a augmenté en une progression plus rapide qu'une progression géométrique; ce qui suffit pour démontrer que la proposition de Malthus, suivant laquelle la richesse croîtrait en progression arithmétique, est erronée, au moins dans ce cas." p. 112.

Malthus, seeing that subsistence did not increase as rapidly as population, when population increased in a geometrical progression with a common ratio 2, assumes that it does not increase in a geometrical, but increases in an arithmetical progression. Pareto, seeing that in England, during certain years, *average* subsistence increased, while population increased in a geometrical progression with a low common ratio, assumes that, therefore, subsistence does not increase in arithmetical progression. But if we assume that the value of subsistence of a community is A, the population B, the common ratio of increase of population  $\frac{m}{n}$  then, if the value of subsistence of a community increases in an arithmetical progression, whose common difference is



the  $\frac{m+x}{n}$  part of A, where  $x$  is any positive quantity, the condition that Pareto describes will be fulfilled—population will increase in geometrical progression, subsistence in arithmetical progression, the average income of the individual will, for a time, increase.

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*The History of Mankind.* By Professor FRIEDRICH RATZEL. Translated from the second German edition by A. J. BUTLER, M. A. With introduction by E. B. TYLOR, D. C. L., F. R. S. With colored plates, maps and illustrations. Vol. I. Pp. xxiv, 486. Price, \$4.00. London and New York: The Macmillan Company, 1896.

Under this somewhat strange title Professor Ratzel's justly celebrated "*Völkerkunde*" is now appearing in a handsome English edition, on the whole admirably translated by Mr. A. J. Butler.

In introducing Professor Ratzel to his English-speaking public, Professor Tylor first calls our attention to the excellent illustrations so carefully collected by the author, and then taking the facts of savage life therein depicted as his text, he urges upon us the "habit of constant recourse to actual objects" as of "inestimable use to us in the more abstract investigation of ideas," a salutary lesson, indeed, to those who are too prone to rely on legal symbols and the incidence of terms to support their sociological theories.

Professor Ratzel's greatest service to the science of anthropology (taken in its broadest sense) seems to me to consist in laying a broad geographical foundation for the subsequent study of ethnography and sociology. It is in the "*Völkerkunde*" that the good results of this method are most manifest, for this is the basic plan of the work. At the very outset of the present volume the author says: "We shall therefore bestow a thorough consideration upon the external surroundings of the various races, and endeavor *pari passu* to trace the historical development of the circumstances in which we find them to-day. The geographical conceptions of their surroundings, and the historical consideration of their development, will thus go hand in hand. It is only from a combination of the two that a just estimate can be formed."

The geography of the Pacific islands forms the basis of the present volume, and its ethnographic conclusions concerning them seem to me to be well founded and of great importance. Race classifications are, indeed, difficult and, except in broad divisions, perhaps impossible. Taking his theoretical stand on the unity of the human race, Professor Ratzel, however, recognizes the broad ethnographic dis-

inction between "the Whites and Mongoloids in the northern hemisphere and the Negroes in the southern." The ethnographic task of the second book of "The History of Mankind," is to account geographically for the presence of the Mongoloids throughout the Pacific islands and in America; and to explain the infusion of the Negro stock among the races of Oceania. Presuming, as alone is possible, a continental origin for these islanders, adequate proof of the sufficiency of the early art of navigation among these primitive peoples had thus to be forthcoming before the hypothesis of a pre-historic easterly dispersion of the Mongoloids and Negroids could be established. The task is begun in the present volume, and, to my mind, the peopling of the Pacific islands, at least, is adequately explained on the above hypothesis. The chain of geographic and ethnographic connections between northeast Asia and northwest America is also clearly outlined, but the further question as to the possibility of an early dispersion toward the southeast as well, from Samoa, by way of Easter Island, to Peru, is left for future discussion in a succeeding volume.

A fair beginning is also made by Professor Ratzel in his introductory book, toward an explanation of sociological phenomena from the standpoint of the geographical environment. Geographical conditions are there rightly taken as the key to the primary problems of social evolution, and the matter of hoarding is also given its due place in the general development of civilization. In the descriptive portions of this volume, the particular environment is in each case accurately and thoroughly described before any attempt is made to depict the character and social status of the people; and the distribution of the natural food supply over the Pacific islands is likewise carefully presented, both on the map (p. 144) and throughout the text. Though the general proposition is thus constantly kept in view, there is yet no consistent attempt to trace each sociological phenomenon down to its geographic roots. On the contrary, the author again and again contents himself with the enumeration of purely secondary causes (which are themselves but the effects of previous natural phenomena) to explain a long series of social results. Thus, in the first place, the original search for food is by no means given the prominence that should be accorded it in accounting for the dispersion and constant moving from island to island of the natural races of the Pacific. It is also of but little avail to trace the practice of cannibalism and head hunting to religious origins, when the very religious conceptions of these people were themselves but the effects of prior natural causes; and especially in this case where the lack of suitable butcher's meat in these islands would seem at least

to suggest an adequate cause of the whole range of phenomena. Nor can the practice of earth eating be referred primarily to the supposed pleasure to be derived therefrom, any more than can our own custom of taking black coffee after a heavy meal. In both cases the physiological process of food digestion has only to be taken into account in order to make both gastronomic habits at once intelligible.

In this connection an instructive comparison might be made between Professor Ratzel's description of the social life of the Austrians, and Mr. E. J. Payne's chapters on the ancient Peruvians in his "History of the New World, Called America." Professor Ratzel's account, on the one hand, consists of two totally disconnected halves, one a geographical and the other an ethnographical description—and little attempt is here made to trace the laws of cause and effect between the two. Mr. Payne, on the other hand, first describes the natural food supply of the Andes region, and then, with infinite care, follows out the political, economic and religious life of the Peruvians as the necessary effects of their peculiar environment.

Not only does food-supply itself have a natural and necessary effect upon the life of the people, but the control of the food-surplus likewise leads to important sociological results, and from a somewhat superficial examination of the question I should be inclined to think that the widespread custom of *taboo* could be explained better along these lines than by referring it, as Professor Ratzel does, to religious causes. Nor does it seem sufficient to refer the origin of clothes in a general way to the desire for ornamentation, for in each case the desire for ornamentation had, as Edward Westermarck has clearly shown, an ulterior design, and should properly be traced still further back to the instincts of sexual selection.

Finally, by way of criticism, Professor Ratzel's classification of the religions of men (p. 61) seems to me unsatisfactory from a sociological point of view, and, indeed, as far as I am able to see, little use has been made by the author of this classification in his subsequent disjointed descriptions of the religions of the Pacific islanders. Major Powell's classification of the religions of savages into *hecastotheism*, *zoötheism* and *physitheism*, and Mr. Payne's theory of the economic bases of barbarous religions are certainly more scientific, and if applied to Professor Ratzel's material would, I think, afford better results than those presented in this volume.

In laying the foundations of a new science the materials must first be collected and sorted before the courses can be laid. This preliminary work has been done most thoroughly by Professor Ratzel and besides this, what seem to me correct ethnographical lines have been marked off in this volume on their proper geographic bases. Before

going further in erecting the framework of the history of mankind, a more adequate sociological hypothesis is necessary, in order that what is built up may not have to be torn down again. The fact of such a history being attempted on a geographic basis is a long step in the right direction and Professor Ratzel deserves the greatest credit for its inception. It is to be hoped that the translation of the succeeding portions of Professor Ratzel's great work will not be long delayed.

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*Lectures on Justice, Police, Revenue and Arms.* Delivered in the University of Glasgow by ADAM SMITH. Reported by a student in 1763, and edited, with an Introduction and Notes, by EDWIN CANAN. Pp. 332. Price, \$3.50. New York: The Macmillan Co., 1896.

As professor of moral philosophy at Glasgow, from 1752 to 1763, Adam Smith delivered lectures upon four parts of that subject. John Millar, the author of the "Historical View of the English Government," seems to have heard all four courses, and he reports that

The first contained Natural Theology. . . . The second comprehended Ethics, strictly so called, and consisted chiefly of the doctrines which he afterwards published in his "Theory of Moral Sentiments." In the third part he treated at more length of that branch of morality which relates to *justice*. . . . This important branch of his labors he also intended to give to the public; but this intention, which was mentioned in the conclusion of the "Theory of Moral Sentiments," he did not live to fulfill. In the last part of his lectures he examined those political regulations which are founded not upon the principle of justice, but upon that of expediency, and which are calculated to increase the riches, the power and the prosperity of a state. Under this view he considered the political institutions relating to commerce, to finances, to ecclesiastical and military establishments. What he delivered on these subjects contained the substance of the work he afterwards published under the title of "An Inquiry into the Nature and Causes of the Wealth of Nations."

Adam Smith's promise, to which Millar alludes, occurs in the first edition of the "Theory of Moral Sentiments," (1759) in these words:

I shall in another discourse endeavor to give an account of the general practices of law and government, and of the different revolutions they have undergone in the different ages and periods of society, not only in what concerns justice, but in what concerns police, revenue and arms, and whatever else is the object of law.

In 1790, the year of his death, he revised the "Theory of Moral Sentiments," and in the preface to the revised edition he says:

In the "Inquiry Concerning the Nature and Causes of the Wealth of Nations," I have partly executed this promise, at least so far as concerns police, revenue and arms. What remains, the theory of jurisprudence, which I have long projected, I have hitherto been hindered from executing by the same occupations which till now prevented me from revising the present work.

His increasing weakness prevented the publication of his theory of jurisprudence, and it was consequently supposed, for more than a century, that the work had been irretrievably destroyed when, in July, 1790, Adam Smith directed the burning of all his manuscripts.

About two years ago Mr. Cannan learned, quite by chance, that Mr. Charles C. Maconochie, an advocate of Edinburgh, had a manuscript report of some lectures by Adam Smith upon jurisprudence. This report, whose history is not known in detail, appears to have been copied, before 1767, from notes taken by some unknown student. In general, a student's notes are likely, as every teacher knows, to give but a sorry account of the lectures the note-taker has followed. But in this particular case it is evident, though the evidence is too complicated for review here, that we have to do with a report of extraordinary fidelity.

The notes on Adam Smith's lectures are divided into five parts: I. Of Justice (153 printed pages), II. Of Police (90 pages), III. Of Revenue (16 pages), IV. Of Arms (5 pages), V. Of the Law of Nations (16 pages). It is not difficult to trace a correspondence between these five parts and two of the four courses of lectures which Millar heard. Parts II, III and IV are notes of Millar's fourth course, *i. e.*, of the lectures on "the political regulations calculated to increase the riches, the power and the prosperity of a state." Serving Adam Smith as a first draft for the "Wealth of Nations," they induced him to say that he had in that book executed his promise of publication, "at least so far as concerns police, revenue and arms"—a remark which has hitherto been a dark saying to many readers of his works. Part I, of Justice, and perhaps the briefer Part V as well, may be assigned to Millar's third course. The second course we have in the "Moral Sentiments;" the first is probably lost.

The "Lectures" now published throw a welcome light upon no less than three questions regarding the relations between Adam Smith, the economist, and his predecessors. The first question concerns the extent to which Adam Smith's economic notions may have been derived from some Physiocrat, or, more particularly from Turgot. The second question concerns the structure and interpretation of the "Wealth of Nations," including the attempted harmonization of apparent discrepancies between its first and second books. This question involves rather the extent of Adam Smith's general obligation to the Frenchmen, than the details of his specific indebtedness to them. The third question, which touches Adam Smith as a jurist as well as an economist, inquires how far he inherited, through English, Scotch or French followers of Locke, those notions concerning the law of nature and natural liberty, which have been thought to color his

more strictly economic views. To these three questions the "Lectures" suggest answers which are, at least in part, new.

The question regarding Adam Smith's relation to Turgot was long ago prejudiced by Dupont de Nemours. "Everything that is true in this respectable but tedious work in two quarto volumes," declared that enthusiastic Physiocrat, without taking the trouble to read the volumes, "may be found in Turgot's 'Reflections on the Formation and Distribution of Riches;' everything added by Adam Smith is inaccurate, not to say incorrect." When Dupont found time to read the "Wealth of Nations," he modified his sweeping condemnation. But the implied charge that Adam Smith borrowed from Turgot without acknowledgment has lived on. Especially has it flourished among those indefatigable Germans in whose eyes any attack on "Smithianismus" seems to be justified. Since von Scheel's article on "*Turgot als Nationalökonom*" in the *Tübinger Zeitschrift*, for 1868, it has been a tenet of economic orthodoxy in Germany that "as a thinker Adam Smith was not eminent by force of originality, and that the outlines of Turgot's theories of money, capital, the division of labor and rent were transferred into the 'Wealth of Nations' without essential modification."\* We are now placed in a position to dispose once and forever of this silly story. The "Lectures" were delivered not only before the publication of Turgot's "*Réflexions*," but even before the writing of them. And their specific indebtedness to the "*Réflexions*" is as great—or as small—as is the indebtedness of the "Wealth of Nations" itself to the same alleged source of its merits.

The second question concerns the structure of the "Wealth of Nations." The "Lectures," as here reported, were delivered before Adam Smith had been in France. He spent the greater portion of the year 1766 in Paris, enjoying frequent opportunities for conversation with Quesnay and his followers. If, therefore, any part of the "Wealth of Nations" is due to Adam Smith's personal intercourse with the economists, little corresponding to that part of his great book may be expected in the "Lectures." If, now, we compare the two books with this fact in mind, we shall note that the first seven chapters in Book I of the "Wealth of Nations," and also the discussion of the Mercantile System in Book IV, find their germ in the Lectures on Police, while the fifth book is evidently developed from the Lectures on Revenue and the Lectures on Arms. There is also in the Lectures on Police a long section treating "Of the Causes of the Slow Progress of Opulence." Out of this the whole third book grew. The portions of the "Wealth of Nations" thus remaining unaccounted

\* "*Handwörterbuch der Staatswissenschaften*," Vol. vi, p. 291.

for—in addition, of course, to the chapter on the Agricultural Systems of Political Economy, in Book IV—are, broadly speaking, the last four chapters of Book I, those on wages, profits and rent, and the whole of Book II, on the nature, accumulation and employment of stock. In other words, Adam Smith's entire treatment of capital and of distribution appears to have been introduced into his own system of political economy after he became acquainted with what he calls "the speculations of a few men of great learning and ingenuity in France." This fact shows how extensive was his general obligation to the Frenchmen.

It was, probably, from the Physiocrats that Adam Smith took the notion, no trace of which appears in the "Lectures," that the annual produce of every nation is the result of its annual labor. Quesnay's "*Tableau*" traced the annual *produit net* exclusively to the productive expenses, otherwise to the annual advances to agriculture. The sterile expenses or annual advances to non-agricultural industry had no part in the production of the net product. Adam Smith was not able to accept Quesnay's theory entirely. Neither was he able entirely to escape from the idea of a net product. But he gives it another name and he traces it to another source. Instead of telling us that the annual advances to agriculture are the fund which affords the annual net product, he asserts that "the annual labor of every nation is the fund which originally supplies it with all the necessities and conveniences of life which it annually consumes." We are now inclined to identify this productive fund with the whole labor of the nation. But Adam Smith fixed his attention upon material necessities and conveniences, and regarded them (Book II, Cap. I) as obtained, for purposes of consumption, by withdrawal from a previously accumulated "stock." This stock, therefore, becomes the immediate source of the net product, which, however, can be withdrawn, in the long run, only so fast as it is replaced. The means to its replacement is the "productive labor" of the nation. Productive labor therefore becomes the ultimate source and measure of the net product, and the analogue of the Physiocratic *avances productifs* is the sum laid out in the employment of productive labor. To follow in detail Adam Smith's familiar arguments about productive and unproductive labor and the relation of capital and of revenue to each, would carry us too far afield. Enough has been said to indicate how considerable is his obligation to his French predecessors.

Our third question refers to Adam Smith's general notions concerning the law of nature and natural liberty. That these notions had a large part in shaping his economic theories, both analytical and constructive, has been argued briefly in Cliffe Leslie's brilliant essay on

"The Political Economy of Adam Smith," and impressively in Hasbach's two formidable volumes.\*

The "Lectures" illuminate this point but incompletely. Our general conclusion, however, must be, I think, that Adam Smith's economic opinions were rather less influenced by such notions in 1763 than they appeared to have been in 1776. In 1763, he specifically rejects the doctrine, held by his favorite preceptor, Hutcheson, that contract is the foundation of allegiance to the civil magistrate, and throughout the section "Of Justice," there is less speculation and more description of positive laws than we should expect in view of the construction commonly placed upon Smith's later remarks concerning the injustice of restraints upon natural liberty. Before his intimate acquaintance with the Physiocrats he seems, indeed, to have been convinced of the expediency of free industry and enterprise. But his conviction was then based upon a reasoned consideration of the probable results of industrial freedom. In the "Wealth of Nations" the economic argument of the "Lectures" is preserved, and even expanded; but it loses some of its force because it no longer stands alone. Supplementary to it are introduced references to "the simple and obvious system of natural liberty," which has been encroached upon by customs duties, by the poor law and by the system of apprenticeship and ought, as a thing good in itself, gradually to be "restored" by freeing industry and enterprise from the burden of various positive enactments. The "Lectures" contain almost nothing corresponding to these much-discussed passages in the "Wealth of Nations."

Mr. Cannan's editing of these "Lectures" is admirable. The introduction, of which I have not hesitated to make large use, is a model of clearness; the notes reveal wide reading and great diligence. Only one criticism upon them is possible. "Except in a few cases where practical difficulties stood in the way, the references to earlier authors have been made to that edition of each work which Adam Smith is most likely to have used in 1763." *Sum pius Æneas*. With so pretty a bit of appreciative antiquarianism it were churlish not to sympathize. But not every reader into whose hands the "Lectures" will come has the Bodleian Library at his elbow and the British Museum within a stone's throw of his door. Mr. Cannan might have been forgiven had he sacrificed sentiment to utility and referred to the best library edition—wherever one exists. In a previous book, by the way, Mr. Cannan cited the "Wealth of Nations" in McCulloch's edition. Now that the Clarendon Press is his publishers he cites Thorold

\*"Die allgemeinen philosophischen Grundlagen der von François Quesnay und Adam Smith begründeten Nationalökonomie," 1890; "Untersuchungen über Adam Smith und die Entwicklung der Politischen Oekonomie," 1891.



Rogers'. Neither of these editions is satisfactory. The time is ripe for a really good edition of Adam Smith's masterpiece—which might appropriately appear in the promised Clarendon Press series of British classics—and no one is better fitted to prepare it than Mr. Cannan himself.

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*Penological and Preventive Principles, with Special Reference to Europe and America.* By WILLIAM TALLACK. Second and enlarged edition. Pp. xii, 480. Price, 8s. London: Wertheimer, Lea & Co., 1896.

The first edition of this book appeared in 1889, and in this second edition the author has not materially changed either his point of view or the topics treated, although several chapters have been added. The work covers a wide range of subjects, but with strict reference to certain principles which the author regards as fundamental in the treatment of crime and pauperism. Crimes are classified, systems of prison management discussed, and methods of sentencing criminals analyzed. Prison labor and the aid given to discharged prisoners are among the questions treated. The second portion of the book, dealing with pauperism, treats of child-saving, intemperance and prostitution, while the third section is devoted to penal questions and police administration, concluding with a statement of John Howard's principles and a chapter on Christianity as the chief basis for moral reforms and restraints. There are two appendices, giving an account of the International Prison Congress at Paris (1895), and a glance at nineteenth century progress.

The author, as Secretary of the Howard Association in London, stands in an official position which should make easy the collection of valuable material for the preparation of such a work as his title suggests. His long and valued services in the cause of prison-reform entitle him to speak with some authority. So much has happened in the experimentation of recent years in the treatment of criminals and paupers, that, perhaps, it is too soon to expect a summary of general principles which will meet with wide approval. In scarcely any field of social activity have efforts extended over so long a period of time with fewer satisfactory results than in penological work. Judged by their results, the methods of the past do not give us much encouragement. Constructive work, therefore, in the statement of principles, destined to be helpful and valuable, should have an eye to present conditions and experiments, and to the future rather than to the past. It is in this respect that Mr. Tallack's book is disappointing.

Concerning certain vital questions, such as that of the separate or congregate prison system, the book is intensely partisan. For example, in speaking of the congregate system, which, with all its faults, is regarded by the ablest penologists as that which offers the most hope for ultimate reforms, Mr. Tallack tells us "it is emphatically and necessarily bad." In discussing prison labor, the author is certainly aware of the difficulties which arise in connection with the system of separate confinement which he advocates, but he does not state them fully. One suggestion, however, in this chapter, is progressive and should have been given a relatively more important place in the discussion, namely, the introduction of Sloyd, or general training in the use of tools as an occupation of prisoners. When prison labor has for its ultimate object education and reform of the prisoners, and not a profit to the institution, a long step will have been made in encouraging the right kind of prison labor, and preventing the abuses of which the labor organizations and workingmen generally complain. Mr. Tallack also makes a strong argument in favor of the progressive system of sentences, and in his chapter on child-saving he has made good use of his material in drawing conclusions which really stand the test of experience.

Some of the author's material has been collected from all parts of the world, but to the student his book is less valuable than it might have been had he supplied references to the literature used in its preparation.

SAMUEL MCCUNE LINDSAY.

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Glasgow, Its Municipal Organization and Administration. By Sir JAMES BELL and JAMES PATON. Pp. xxiii, 426. Price, 21s., \$3.00. Glasgow: Jas. Mac Lehosé & Sons. New York: The Macmillan Co., 1896.

[An exhaustive study of the organization and institutions of the city. An excellent account of the growth of city problems and the method of dealing with them is given. This work represents the most thorough and careful description of municipal institutions that has as yet been published.]

Municipal Reform in the United States. By THOMAS C. DEVLIN. Pp. ix, 174. Price, \$1.00. (Questions of the Day Series.) New York: G. P. Putnam's Sons, 1896.

[A discussion of reforms needed rather than a history of the reform movement and somewhat unsatisfactory, because of the absence of any information in regard to the concrete difficulties which American cities encounter.]

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The Street Railway Problem in Cleveland. A Statement of Existing Conditions; and a Discussion of the Policy which the City should Pursue with regard to its Street Railways. By WM. ROWLAND HOPKINS. (Economic Studies, Vol. I, Nos. 5 and 6.) Pp. 289-376. Price, 75c. New York: The Macmillan Co. for the American Economic Association. 1896.

[This monograph throws some light on the general problem of the relation which should exist between the municipality and the street railway, at the same time that it gives an exhaustive account of the Cleveland situation. The author is opposed to city ownership.]

The English Constitution. A Commentary on Its Nature and Growth. By JESSE MACY, M. A. Pp. xxiii, 534. Price, \$2.00. New York: The Macmillan Co., 1897.

[To be reviewed in ANNALS for July, 1897. Vol. x, No. 1.]

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[An attempt to restate the principles of governmental interference. The author gives a philosophic discussion of the nature of the state, showing the close relation between the different forms of social activity. In his conclusions he expresses much dissatisfaction with the principles of the extreme individualistic school.]

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Recollections of Alexis de Tocqueville. Edited by the COMTE DE TOCQUEVILLE. Translated into English by Alexander Teixeira de Mattos. Pp. xiv, 416. Price, \$4.50. New York: The Macmillan Co., 1896.

[An excellent translation of the memoirs which de Tocqueville jotted down in 1850 and published just before his death in 1859. They deal mainly with the political events of the year 1848.]

Southern Statesmen of the Old Régime.—Washington, Jefferson, Randolph, Calhoun, Stephens, Toombs and Jefferson Davis. By WM. P. TRENT, M. A. Pp. xv, 293. Price, \$2.00. New York: Thos. Y. Crowell & Co., 1897.

Undercurrents of the Second Empire: Notes and Recollections. By ALBERT D. VANDAM. Pp. x, 432. Price, \$2.50. New York: G. P. Putnam's Sons, 1896.

[Written in the same popular style which commended "An Englishman in Paris" to general readers, this work gives an interesting picture of the career of the second Napoleon until the crash in 1870.]

## II. ECONOMICS.

### (a) *General.*

Cours d'Économie sociale. By R. P. C. ANTOINE, S. J. Pp. 669. Price, 9 fr. Paris: Guillaumin et Cie, 1896.

[This work is designed for use as a text-book and presents a comprehensive survey of the field of social phenomena in a didactic manner. It is written in an interesting style and provided with a liberal supply of bibliographical references.]

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[Noticed in ANNALS for March, 1897. Vol. ix, p. 249.]

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[The subject of this biography was one of the most interesting of the German mercantilists of the seventeenth century, and the account of his life and writings throws some light on the theories of trade and money which were being discussed in his day.]

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The Physiocrats.—Six Lectures on the French Economists of the  
Eighteenth Century. By HENRY HIGGS. Pp. x, 151. Price,  
\$1.10. New York: The Macmillan Co., 1897.

[An excellent résumé of the best results of French and German scholarship touching the Physiocrats. The "rise of the school," its "doctrines," its "activities," "opponents of the school" and the "influence of the school" are the topics considered. The book is supplied with complete bibliography and index.]

Traité Théorique et Pratique d'Économie Politique. (Deuxième Edition.) Tomes I, II, III, IV, et Table Analytique des Matières.  
By PAUL LEROY-BEAULIEU. (Économistes et Publicistes Contemporains.) Pp. vii, 793; 652; 694; 810, et Annexe, 88. Price, 36*fr*. Paris: Guillaumin et Cie, 1896.

[This treatise is divided into eight parts treating, respectively, of scope and method, production, the condition of progress, distribution, exchange, consumption, population and the state. That it has its public ready for it in France is shown by the fact that the first edition was exhausted within six months of its appearance.]

History of Economics. By HENRY DUNNING MACLEOD, M. A.  
Pp. 706. Price, \$4.50. London: Bliss, Sands & Co. New York: G. P. Putnam's Sons, 1896.

[This book is rather a condensed encyclopedia than a history of economics. Following some preliminary observations on the scope and method of the science and a brief sketch of the progress of economic theory, the body of the book is devoted to the topical discussion of "the fundamental concepts and axioms of economics." Judged as an encyclopedia its utility is open to question.]

Der achtstündige Normalarbeitstag. By BERNHARD ROST. Pp. 216.  
Price, 4.40*m*. Leipzig: Duncker & Humblot, 1896.

Die Politische Ökonomie. Als Grundlage nationalökonomischer Vorlesungen und Lehrbuch an Fachschulen, Repetitorium für Studierende der Staatswissenschaften, sowie für den Selbstunterricht. Dritte, umgearbeitete und vermehrte Auflage. By EDUARD AUGUST SCHROEDER. Pp. xvi, 415. Leipzig: F. Fleischer, 1897.

Théorie de la Repartition de la Richesse Sociale. Études d'Économie sociale. By LÉON WALRAS. Pp. viii, 464. Paris: F. Pichon, 1896.

(b) *Special Problems.*

Economics and Jurisprudence. An Address delivered at the Meeting of the American Economic Association in Baltimore, December 28, 1896. By HENRY C. ADAMS, Ph. D. (Economic Studies, Vol. II, No. 1.) Pp. 48. Price, 50c. New York: The Macmillan Co., 1897.

History of the Tobacco Industry in Virginia from 1860 to 1894. By B. W. ARNOLD, JR., Ph. D. (Johns Hopkins University Studies, Fifteenth Series, I-II.) Pp. 86. Price, 50c. Baltimore: Johns Hopkins Press, 1897.

[Following a brief introduction pointing out the historical importance of tobacco to Virginia, the author examines in detail the history of the growth and manufacture of the "weed" during the last third of a century. The monograph is rich in statistical material and excellently arranged.]

Family Budgets. Being the Income and Expenses of Twenty-eight British Households, 1891-94. With Introduction by CHARLES BOOTH, ERNEST AVES, and HENRY HIGGS. Pp. 76. Price, 2s. 6d. London: P. S. King & Son, 1896.

[Noticed in the current number of the ANNALS, Vol. ix, p. 427.]

Speculation on the Stock and Produce Exchanges of the United States. By HENRY CROSBY EMERY, Ph. D. (Columbia University Studies in History, Economics and Public Law, Vol. VII, No. 2.) Pp. 230. Price, paper, \$1.50; bound, \$2.00. New York: The Macmillan Co., 1896.

[A very comprehensive study of this important phase of modern business. Following a description of stock and produce exchanges, the author considers the "economic function of speculation," "some evils of speculation," and "speculation and the law" in his concluding chapters.]

Die handelspolitischen und sonstigen völkerrechtlichen Beziehungen zwischen Deutschland und den Vereinigten Staaten von Amerika. Eine historisch-statistische Studie. By GEO. M. FISK. (Münchener Volkswirtschaftliche Studien, XX.) Pp. xiv, 254. Price, 5.60m. Stuttgart: J. G. Cotta, 1897.

The Millennium of Hungary and Its People. Issued under the authority of the Royal Hungarian Minister of Commerce, as President of the Millennial National Exhibition Commission. Edited by Dr. JOS. DE JÉKELFALUSSY. Pp. vi, 672. Budapesth: Pesti Könyrnnyomda Részvénytársaság, 1897.

[Noticed in current number of the Annals, Vol. ix, p. 428]

The Nicaragua Canal and the Monroe Doctrine. A Political History of Isthmus Transit, with Special Reference to the Nicaragua Canal Project and the Attitude of the United States Government Thereto. By LINDLEY MILLER KEASBEY, Ph. D., R. P. D. Pp. xvii, 622. Price, \$3.50. New York: G. P. Putnam's Sons, 1896.

[Reviewed in the ANNALS for March, 1897, Vol. ix, p. 92.]

Die Lage der englischen Landwirthschaft unter dem Drucke der internationalen Konkurrenz der Gegenwart, und Mittel und Wege zur Besserung derselben. By F. P. KOENIG. Pp. 459. Price, 8*m*. Jena: Gustav Fischer, 1896.

[With German thoroughness the author has compiled a more exhaustive study of the present situation of English agriculture than is to be found in English.]

Industries and Wealth of Nations. By MICHAEL G. MULHALL. Pp. xii, 451. Price, \$3.00. New York: Longmans, Green & Co., 1896. [Noticed in the current number of the ANNALS, Vol. ix, p. 429.]

Die Persönlichen Steuern vom Einkommen, verbunden mit Ertrags- oder mit Vermögenssteuern mit besonderer Beziehung auf Württembergische Verhältnisse. By FRIEDRICH JULIUS NEUMANN. Pp. v, 277. Price, 4.60*m*. Tübingen: H. Laupp, 1896.

Taxation in Iowa. Historical Sketch, Present Status, and Suggested Reforms. By F. H. NOBLE, A. M., LL.B. Pp. 121. Price, \$1.00. St. Louis: Nixon-Jones Printing Co., 1897.

Le Trade-Unionisme en Angleterre. By PAUL DE ROUSIERS. Avec la Collaboration de MM. de Carbonnel, Festy, Fleury et Wilhelm. (Bibliothèque du Musée Social). Pp. xi, 356. Price, 4*fr*. Paris: Colin et Cie, 1897.

Contre l'Impôt sur le Revenu. By J. ROCHE. Pp. 265. Price, 3.50*fr*. Paris: Léon Chailley, 1896.

A Statistical Account of the Seven Colonies of Australasia, 1895-6. Sixth issue. Pp. xv, 502. Sydney: Charles Potter, 1896.

Der Personalkredit des ländlichen Kleingrundbesitzes in Deutschland. Berichte und Gutachten veröffentlicht vom Verein für Socialpolitik. Erster Band. Süddeutschland. (Vol. LXXIII, Schriften des Vereins für Socialpolitik.) Pp. 430. Price, 9*m*. Leipzig: Duncker & Humblot, 1896.

Untersuchungen über die Lage des Handwerks in Deutschland, mit besonderer Rücksicht auf seine Konkurrenzfähigkeit gegenüber der Grossindustrie. Fünfter Band. Königreich Sachsen. Siebenter Band. Königreich Preussen. (Vol. LXVI und LXVIII, Schriften des Vereins für Socialpolitik.) Pp. xiv, 624; xii, 603. Price, 13*m*. and 12.60*m*. Leipzig: Duncker & Humblot, 1896.

Die Grundherrschaft in Nordwestdeutschland. By WERNER WITTICH. Pp. 618. Price, 13*m*. Leipzig: Duncker & Humblot, 1896.

### III. SOCIOLOGY.

American Conference on International Arbitration. Held in Washington, D. C., April 22 and 23, 1896. Pp. xiv, 247. Price, \$1.50. New York: The Baker & Taylor Co., 1896.

[This report contains the documents leading to the call of local conferences in the large cities, and finally of the national conference at Washington, the papers

and addresses delivered at Washington, and finally the comprehensive historical notes on arbitration in the past in many countries, prepared by Professor Moore, of Columbia University.]

**The Indian Village Community.** Examined with Reference to the Physical, Ethnographic and Historical Conditions of the Provinces, Chiefly on the Basis of the Revenue-Settlement Records and District Manuals. By B. H. BADEN-POWELL, M. A., C. I. E. Pp. xvi, 456. Price, \$4.00. New York: Longmans, Green & Co., 1896.

[An attempt to collect and furnish the materials for the study of the actual Indian village, rather than to give any new theory of its organization or even to discuss the existing ones, which too often rest on a purely ideal basis.]

**Life and Labour of the People in London.** Vol. VIII. Population Classified by Trades (continued). Edited by CHARLES BOOTH. Pp. 480. Price, \$3.00. New York: The Macmillan Co., 1896.

[Noticed in the current number of the ANNALS, Vol. ix., p. 426.]

**History of Ancient Peoples.** By WILLIS BOUGHTON, A. M. Pp. xxxiv, 541. Price, \$1.50. New York: G. P. Putnam's Sons, 1897.

[A popular summary of some of the results of recent archæological investigations and discoveries, which is not free from certain presuppositions prejudicial to scientific accuracy.]

**Die deutsche Frauenbewegung.** Eine Betrachtung über deren Entwicklung und Ziele. By GUSTAV COHN. Pp. 226. Price, 4 $m$ . Berlin: Gebr. Paetel, 1896.

[Originally an article in the *Deutschen Rundschau*. The author has enlarged it and made a careful study of the movement for the advancement of women in England and has compared it with certain tendencies in Germany. The book contains much interesting historical material and a good selected bibliography.]

**Socialisme et Charité. Études Sociales.** By COMTE D'HAUSSONVILLE. Pp. 516. Price, 3.50 *fr*. Paris: C. Lévy, 1896.

[A series of essays on social vice, crime, woman's labor in England and in the United States, state socialism and Christian socialism and charity and assistance in work.]

**Faith and Social Service.** Eight Lectures Delivered before the Lowell Institute. By GEORGE HODGES. Pp. 270. Price, \$1.25. New York: Thos. Whittaker, 1896.

[These lectures deal with the new forces in religious work and discuss the problems of indifference, doubt, poverty, labor, moral reform, the city and the divided church in a liberal spirit and with a good understanding of the religious and social movements of the day.]

**La Russie économique et sociale à l'avènement de S. M. Nicholas II.** By VICOMTE COMBES DE LESTRADE. Pp. x, 459. Price, 6 *fr*. Paris: Guillaumin et Cie, 1896.

[This work is written by a sympathizer with the Russian system of administration who is thoroughly conversant with the facts in regard to Russia's industrial development in recent years.]



**La Lutte pour la Vie.** Lois d'Agrégation de Développement et de Désagrégation dans l'Univers connu. Études de Sciences Physiques et Naturelles, Morales et Politiques. By L. J. MARCELIN. Pp. ix, 435. Price 10 *fr.* Paris: Dunod et Vicq, 1896.

[A comprehensive treatise on evolution as shown in the inorganic as well as the organic world.]

**Misère de la Philosophie.** Réponse à la Philosophie de la Misère de M. Proudhon. Avec une Préface de Friedrich Engels. By KARL MARX. Pp. 291. Price, 3.50 *fr.* Paris: Giard & Brière, 1896.

[Reprint in convenient form of an essay that has had great influence in the development of French socialism.]

**Einleitung zur Geschichte der Mark-, Hof-, Dorf-, und Stadt-verfassung und der öffentlichen Gewalt.** Zweite Auflage, mit einleitendem Vorwort von Heinrich Cunow. By GEORGE LUDWIG VON MAURER. Pp. xlv, 338. Vienna: Ignaz Brand, 1896.

[The second edition of an essay in economic history which appeared originally in the early fifties.]

**Conscience et Volonté sociales.** By J. NOVICOW. Pp. 380. Price, 6 *fr.* Paris: Giard & Brière, 1897.

[An essay on social psychology discussing the formation in society of what the author calls an intellectual élite which constitutes the social sensorium. The mechanism of social action and the reflex social movements are discussed as forming the basis of morals.]

**Die Siedlungsgenossenschaft.** Versuch einer positiven Ueberwindung des Kommunismus durch Lösung des Genossenschaftsproblems und der Agrarfrage. By FRANZ OPPENHEIMER. Pp. 662. Price 13 *m.* Leipzig: Duncker & Humblot, 1896.

**Englische Auswanderung und Auswanderungspolitik im 19 Jahrhundert.** By KARL RATHGEN. Einwanderung und Einwanderungsgesetzgebung in Nordamerika und in Brasilien. By RICHMOND MAYO-SMITH and R. A. HEHL. (Vol. LXXII. Schriften des Verein für Sozialpolitik.) Pp. xi. 302. Price, 6.80 *m.* Leipzig: Duncker & Humblot, 1896.

**Le Socialisme et la Science sociale.** By GASTON RICHARD. Pp. 199. Price, 2.50 *fr.* Paris: Felix Alcan, 1897.

[An examination of socialism as a theory of the state and an attempt to show that it is a false one, which will disappear in the presence of the advance in social science studies.]

**Nouveau Dictionnaire de Géographie universelle.** Supplément 5<sup>e</sup> et 6<sup>e</sup> Fascicules, Bragance-Caroline. Ouvrage commencé par M. VIVIEN DE SAINT-MARTIN et continué par LOUIS ROUSSELET. Price, 2.50 *fr.* Paris: Hachette et Cie, 1896.

**German Social Democracy.** Six Lectures. By BERTRAND RUSSELL, B. A., with an Appendix on Social Democracy and the Woman

Question in Germany, by ALYS RUSSELL, B. A. (Studies in Economics and Political Science.) Pp. xiv, 204. Price, \$1.00. New York: Longmans, Green & Co., 1896.

[These lectures, delivered at the London School of Economics and Political Science last year, discuss the present status of social democracy as a political movement in Germany. Two lectures are devoted to Marx and Lassalle, in order to show their influence on the later movement, then Social Democracy, prior to the legal ban of 1878, during the period of legal suppression up to 1890, and its subsequent growth and propaganda, is reviewed.]

Domestic Service. By LUCY MAYNARD SALMON. Pp. xxiv, 307. Price, \$2.00. New York: The Macmillan Co., 1897.

[Miss Salmon's work embodies the results of an extended statistical investigation concerning domestic servants, and considers the problem as a social and economic rather than as an individual one.]

Bibliographie der Social-Politik. Bearbeitet und herausgegeben von JOSEF STAMMHAMMER. Pp. iv, 648. Price, 18*m*. Jena: Gustav Fischer, 1897.

[Noticed in the current number of the ANNALS, Vol. ix, p. 429.]

## NOTES ON MUNICIPAL GOVERNMENT.

### AMERICAN CITIES.

**New York.**—*Report on Public Baths and Public Comfort Stations.* In July, 1895, Mayor Strong appointed an advisory committee to report upon the subject of public baths and public comfort stations. The committee had been originally created by the Committee of Seventy; the Mayor's committee continued the existence of this body. The report furnishes a complete and exhaustive examination of the whole question of baths, public laundries, and public comfort stations.\* The experience of English and continental cities with institutions of this character has been most instructive. The splendid bath and wash-houses of some of the London Districts, of Manchester, Birmingham, etc., furnish convincing proof of the possibilities of municipal activity in this direction. With us, in the United States, but little has, as yet, been done. Curiously, enough, the smaller cities have taken the lead in the movement. The larger cities have depended mainly upon private philanthropy which has not shown itself eager to enter the field. Philadelphia has but one swimming bath and makes no provision for bathing facilities during the winter months. The New York Association for Improving the Condition of the Poor, the baths erected from the Baron de Hirsch fund, and the Riverside baths constitute the only provision for winter bathing in New York City. Chicago makes an equally poor showing. On the other hand, the activity of some of the smaller towns is extremely gratifying. Massachusetts provides by statute for the erection by towns or cities of public baths. Brookline has just completed, at a cost of \$40,000, one of the finest baths in the country. It is supplied with eighteen private baths, a swimming tank 80 x 26 feet, and space for a gymnasium. The annual cost and maintenance will be about \$5000. It is expected, however, that the institution will be self-supporting. In the concluding chapter, the committee recommends the speedy erection of a series of six public baths, to be distributed through different portions of the city. Full details as to the plan of these baths are given in the report. In addition, a series of public comfort stations are to be distributed on the district plan.

\* *Report on Public Baths and Public Comfort Stations.* New York, January, 1897. William H. Tolman, Moreau Morris and William Gaston Hamilton, Members of the Committee.

*Bibliography of Municipal Administration.* The Committee on Municipal Administration of the Reform Club has begun the publication of a quarterly to be devoted to the study of municipal problems.\* The publication is one of the indications of renewed activity of this committee. In fact, the consolidation of the metropolitan area into the Greater New York, has been the means of stirring up the various civic organizations in the city. The plan of the committee of the Reform Club is to make definite contributions to the literature relating to municipal problems; while, at the same time, entering into the active prosecution of definite reforms. The bibliography is by far the most complete that has been published, containing all references of importance, not merely to municipal administration but also to general municipal problems. The foreign material is incomplete, but this is explained by the fact that the author wishes to present fully the material relating to American municipalities. References to foreign cities must be regarded as incidental to this main end. The bibliography will be hailed with delight by all interested in municipal reform movements.

*Proposed Charter for the Greater New York.*† Under the law creating the commission to prepare a charter, the commission was required to make its final report to the legislature on or before the first of February. After the public hearings before the commission came to an end, on the sixteenth of January, a committee of three members of the commission began the work of revising the draft, and putting it in a form to be reported to the legislature. It was not found possible to complete this work within the time fixed, and the legislature extended the term of the commission to the twentieth of February. The charter as presented to the legislature upon that day, while it had been improved in many of its details, was open to the criticisms that had been made of the draft as it appeared before this final revision.

Both the hearings before committees of the legislature and the discussion of the charter upon the floor of the assembly and of the senate, were entirely inadequate, and, indeed, were little better than perfunctory. The bill was "jammed" through the Assembly, and this process was repeated in the Senate, notwithstanding the vehement protests of one or two Republican senators, who openly declared that they voted for the charter only because of overwhelming party pressure, and in the face of their conviction that the enactment of the

\* *Municipal Affairs.* Vol. i, No. 1. A Bibliography of Municipal Administration and City Conditions. By Robert C. Brooks. Published by the Committee on Municipal Administration of the Reform Club, 52 William Street, New York City. Price, 50 cents.

† Communication of James W. Pryor, Esq.

charter would be a serious injury to their party. The bill was then immediately sent to the mayors of the cities affected, under the provision of the state constitution which requires that all city bills which are not general shall be submitted to the local authorities of the cities affected. If any one of the three mayors to whom the bill has been sent should not approve it, the legislature must again pass it by a majority vote before it can go to the governor.

Mayor Strong has held hearings upon three successive days, the first, second, and third of April, for the opponents of the charter. At these hearings the charter was mercilessly assailed by representatives of the Chamber of Commerce, the Bar Association, the City Club, the City Improvement Society, and other organizations of citizens. The arguments were directed to the imperfections of the particular instrument, rather than to the merits of consolidation as a policy, and it was made clear that only a vast amount of additional labor could produce an instrument under which consolidation could be attempted with safety. The plea was for time in which this work might be done. The sympathy of the audience with the arguments advanced was noticeable and so far as the popular sentiment was reflected by the citizens who attended, that sentiment is decidedly against the charter. The supporters of the charter are also to have an opportunity to present their arguments before the mayor.

On the 9th of April Mayor Strong returned the Greater New York Charter with a message expressing his disapproval of the same. His main objections related to the bipartisan police board and the bicameral legislature. Under these conditions, it was necessary that the charter should be returned to the Assembly and repassed by that body. Immediately after the announcement of the veto message of the mayor, protests from a great number of reform organizations were sent to the legislature. The City Club, Chamber of Commerce, Bar Association, the Real Estate Exchange and others united in a combined protest against the re-passage of the charter. All of these, however, were ignored by the legislature. On the 12th of April, the charter passed the House by a vote of 106 to 32, and on the following day it was railroaded through the Senate. The various civic organizations are now endeavoring to bring pressure to bear upon the governor to obtain if possible his veto of the charter.

*The Citizens' Union.* The independent movement in municipal politics, the preparations for which were begun some time ago, was brought before the public on the twenty-fourth of February, by the announcement of the names of about one hundred and eighty citizens, fairly representing all the important elements of the community, as a central body of the new Citizens' Union, under the title of the

"committee of organization." The number of this committee was increased to about two hundred and fifty, and a meeting of the committee was held in Cooper Union on the twenty-second of March. Mr. Robert Fulton Cutting was elected chairman of the committee of organization and was empowered to appoint an executive committee. The addresses by Mr. Cutting, Mr. Jas. C. Carter, and others, expressed the belief that citizens must combine to fight all political machines in local affairs, and that the old process of reform with the aid of the enemies of reform would not again be attempted in New York. The eloquent expressions of the conviction that the Union must stand to its determination to nominate an independent ticket, without dicker, deal, or compromise, were received with enthusiasm. The executive committee has now been appointed, and has begun the work of preparing for an early and active campaign. Headquarters will be opened soon, and an enrollment of voters will be begun. If consolidation of the cities should not take place this year, the Union will confine its attention to this city. In the event of consolidation, the co-operation of citizens in other parts of the Greater New York will be sought.

*Removal of Police Commissioner.*—After holding the charges against Police Commissioner Andrew D. Parker for several months, Mayor Strong decided against the commissioner upon the seventeenth of March. The removal does not take effect unless approved by the governor, and the matter now awaits his action. Upon the ninth and twelfth of March committees from the Good Government Clubs and the City Club preferred formal charges before the mayor against both Commissioner Parker and Police Commissioner Frederick D. Grant, because of their arbitrary refusal to allow formal inquiry to be made into the conduct of the chief of police upon charges of insubordination and conduct highly detrimental to the department. No action has been taken upon these charges, although it is almost certain that they afford much greater reason for removal than the old charges upon which the mayor has acted in the case of Commissioner Parker.

**Buffalo.\***—A bill to provide Buffalo with a Board of Education has been introduced into the legislature but is not thought likely to pass this year. The proposed board is to have the entire control of the *business* part of the school department, and is to elect the superintendent of education for an indefinite time. This officer is now chosen directly by the people for four years, and has much more to do than any one man can do properly for so large a city. The proposed law would relieve him of all business functions. The appointing and discharging of teachers will be left entirely in his hands, subject

\* Communication of A. L. Richardson, Esq.

to the provisions requiring previous examination of candidates by the Board of School Examiners.

**Chicago.**—*Civil Service.* The Second Annual Report of the City Civil Service Commission has just been published. It covers the period ending December 31, 1896. The influence of the commission during the two years of its existence is being felt in the various departments of the city government. "During the year 1896, 24,500 persons took out applications for entrance into the city service; 7148 returned the applications properly filled out and were entered upon the books of the commission. Of this number 4411 have been examined; 2429 have passed with the required average and have been placed upon eligible lists, awaiting appointment to the service as vacancies may occur. During the year, 1396 persons have been certified for appointment and have entered the service on probation. The total expenditures of the commission during the year were \$30,930.69."

This record of activity is sufficient to show the character of the work that is being done. It is a striking comment upon the attitude of the city councils toward civil service reform to find that the commission was compelled to appeal to various civic organizations in order to obtain sufficient funds to carry on the work. In commenting on the effect of the adoption of the civil service rules, the commission points to the fact that it has been instrumental in relieving the mayor and heads of departments from the pressure of applicants for office; "thus leaving them free to attend to their more important public duties;" secondly, it has relieved city employes from the necessity of contributing to political campaign funds. The commission also emphasizes the fact that under the new system the cost of carrying on the various departments will be greatly reduced. Some interesting data are given relating to the cost of tax collections during the period 1890-95. For instance, in 1891, in the bureau of water-rate collections, the percentage of salaries of collectors to total collections was 24 per cent; in 1892, 22.8 per cent; 1893, 24 per cent; 1894, 15.9 per cent; 1895, 22.8 per cent. The unusually high rate during 1891, 1893 and 1895 was due to the fact that municipal elections were impending. Unfortunately, no statistics of the relation of salaries to collections are given for the period during which the civil service law has been in operation. It is to be expected, however, that the new system will greatly reduce this cost of collection.

**Massachusetts.**—*Metropolitan Park Commission.* The report of the Metropolitan Park Commission for 1896 gives a complete account of what promises to be the greatest park system in the world. In 1893 the question of developing a metropolitan park system in Boston and vicinity took definite form in the appointment of a preliminary

commission. The report of this commission, showing the possibility of developing a continuous park system encircling Boston, led to the passage of the Metropolitan Park Act of 1893, which provided for a permanent park commission. The state legislature immediately appropriated \$1,000,000. The appropriation was made from the state treasury, to be repaid by yearly assessments on the local districts embraced within the metropolitan park area, "according to a rate to be determined each five years by a separate commission to be appointed by the Supreme Court." In 1894 an additional \$500,000 was appropriated. The appropriations of similar or larger amounts since that time have brought the total appropriation (December 1, 1896), to \$4,300,000.

The plan of the commission, as is shown in a map appended to the report, is to establish a continuous series of parks in and encircling the city of Boston. At the present time the commission has under its charge 6784.86 acres of park land, and is directing its attention to the improvement of the seashore district adjacent to Boston. To bring this into a condition best suited to the needs of the population of the metropolitan district it will be necessary to undertake the work of drainage on a large scale. The work of the commission, however, has inspired such confidence throughout the state, and especially in the district immediately affected, that it is more than probable this work will be undertaken in the near future.

**Boston.**—*Subway.* The Second Annual Report of the Boston Transit Commission describes another of the great public works which the city of Boston is carrying toward completion. For some years past the construction of a subway to relieve the congestion of traffic in the central portions of the city has been agitated. In June, 1891, a commission of inquiry was appointed by the mayor, which submitted a report in 1892. In 1893 a special legislative committee was appointed. As a result of the reports submitted, an act was passed providing for the construction of the subway. This act was submitted to the citizens of Boston at the state election and was rejected. In 1893 another act was passed, providing a route and creating a board of subway commissioners. This act was submitted to the city council and accepted. Subsequent amendments gave to the commission greater freedom in selecting the termini of the subway. The limit of expenditure for the entire work was fixed at \$7,000,000. An amendment of 1894 requires the commission to construct a bridge over the Charles river. Up to the present time the commission has expended \$1,703,772.33 of the total appropriation.

The commission has recently entered into a contract with the West End Railway Company, the terms of which will assure to the muni-



city the control of the subway, and, at the same time, a fair return on the cost of construction. According to the terms of the contract, the subway is leased to the company for a term of twenty years. As compensation for its use, the West End Railway Company agrees to pay annually to the city of Boston a sum equal to "four and seven-eighths per cent of \$7,000,000, or four and seven-eighths per cent of the net cost of the subway, if such net cost be less than \$7,000,000." It is further provided that the company pay a toll of five cents for each passage made through the subway by a car not exceeding twenty-five feet in length. This toll, however, is only to be paid in case the sum total of such tolls exceeds the four and seven-eighths per cent compensation above provided for, and only the excess amount is to be paid. Practically the provision means that the minimum payment will cover a fair percentage (four and seven-eighths per cent) on cost of construction, any additional payment to be determined by the excess of tolls over such percentage. The contract furthermore provides that neither steam nor animals shall be used within the subway as a motive power, except temporarily in case of an emergency. At the expiration of the twenty years' lease, the city is to acquire the tracks and wires at a price to be determined by the Board of Railroad Commissioners. During the term of the lease all repairs to the subway are to be at the sole cost and expense of the company, except such as "are made necessary by the act of God, public enemies, mobs, riots, the falling and settling of buildings, bursting of pipes outside of subway, explosions of gas, or works of excavation carried on or permitted by the city." The company is given the power to grant the use of the subway to individuals or corporations for wires, conduit or pneumatic tubes.

*Municipal Gymnasium.\**—A somewhat novel function has recently been assumed by the municipality. A public-spirited lady lately gave to the city a large and well-equipped gymnasium in East Boston. The gift was promptly accepted by the city council, but as there was some doubt as to the city's legal right to run an institution of the kind, a special act authorizing the same was procured from the General Court. The city has outdoor gymnasia in connection with the public parks, but a gymnasium, pure and simple, seems to be another matter. The institution has been given into the charge of the Park Commission, and an excellent set of rules has been adopted for its use. It is free to the public, but regular classes have the precedence, and certain hours are reserved for women and girls. There are reading rooms and bathing facilities. In short, it is a sort of incipient "People's Palace," and may lead eventually to the incorporation of that sort of an

\* Communication of Sylvester Baxter, Esq.

institution into the city's already extensive list of municipal functions. Indeed, should a well-equipped "People's Palace" be given to the city it would undoubtedly be accepted as readily as was the gymnasium.

**Cincinnati.\***—The litigation involving the validity of the Water Works bill has resulted in favor of the measure, and the commission is now engaged on the work. By the terms of the bill the city is authorized to issue bonds in the sum of \$6,500,000. Experts are of the opinion that the work will not be completed within ten years and that the cost will be at least twice the sum named in the act. The most objectionable feature in the act, however, has been removed, for the supreme court held section eight of the bill to be unconstitutional. This section provided that the commissioners in their discretion might contract in the name of the city with any person, company or corporation for the construction of the work as an entirety, and lease the same from the construction company for a period of not longer than forty years renewable forever, or instead of leasing the same the city might purchase the works from said construction company.

The supreme court held that as the city is prohibited from raising money or loaning its credit to or in aid of any company, corporation or association, it is likewise prohibited from becoming a part owner with any person or company in any public work. At the present writing the plan for the new water works has not been decided upon.

In November, 1895, an account was given in these Notes † of an attempt on the part of the Sinking Fund Trustees to refund certain indebtedness of the city at a lower interest rate by issuing gold bonds. The supreme court held then that in the absence of statutory enactment no gold bonds could be issued. Last year the legislature passed a law authorizing the Sinking Fund Trustees to issue Consolidated Sinking Fund Bonds to run not longer than fifty years at a rate of interest not exceeding 4 per cent per annum, principal and interest payable in such lawful money as the trustees should determine. In pursuance of this authority the trustees decided to refund \$3,654,000 4 per cent bonds by issuing forty year 3.65-100 per cent gold bonds. These bonds were sold on March 29, 1897, at a premium of 2.167 per cent. The total bids amounted to twenty-two millions. It is the intention of the trustees from time to time to refund other outstanding bonds on the same basis. Thus the finances of the city will be put on a better basis and there will be a large annual saving of interest—about \$12,000.

The educational system of the city is governed by three separate boards: The Board of Education which has charge of the common

\* Communication of MAX B. MAY, Esq.

† ANNALS, Vol. vi, p. 556. November, 1895.

school proper, the Union Board of High Schools and the University Board. During the past year there has been much complaint about the lack of co-ordination between different parts of the school system. Recently each board has appointed a committee of five to devise ways and means of bringing the different schools into close relations. This committee of fifteen is now in session and in all probability, a new course of study will be proposed for the intermediate and high schools. The main object of the new course will be to prepare the pupil directly for the university and other colleges.

**Ohio.**—*Corrupt Practices Act.* The legislature of Ohio has recently passed a Corrupt Practices act, which is so complete in every respect as to deserve special mention. The act limits the permissible expenses of candidates for nomination and election. The total expenditure is adjusted according to the number of electors, the latter to be ascertained by taking the total number of votes cast for all the candidates for the office at the last preceding election. The prescribed limits are as follows: For 5000 voters or less, \$100,—for each 100 voters over 5000 and under 25,000, \$1.50,—for each 100 voters over 25,000 and under 50,000, \$1.00; and nothing additional for voters over 50,000. Any payment in excess of the limits prescribed invalidates the election. The law requires minute statements of expenditures by the candidates and treasurers of political clubs and organizations. These statements must be supported by affidavit. The attorney-general is required to act on the basis of such reports. The act if enforced will do much toward preventing the illegitimate use of campaign funds.

**Iowa.**—The tendency of state legislation to set the standards of municipal policy in dealing with local affairs is well illustrated in a recent act passed by the Iowa Legislature. In 1873, an act was passed which gave to cities special authority to erect water works. In 1888, this power was extended to gas and electric light works. Having once granted this power, it has been felt necessary to protect the municipality against the decisions of the municipal council, by an act prohibiting the sale of such public works without the consent of the qualified voters. The law requires the submission of the question of sale to the people "at a special election held to vote on that question alone," the result of such decision to be binding upon the council. We have here but another expression of that general distrust of city councils which is leading to a great mass of legislation, removing discretionary power from that body.

**Minnesota.**—A recent amendment to the constitution of Minnesota emphasizes the principle of home rule for cities. It provides that any city or village in the state may frame a charter for its own government, consistent with and subject to the laws of the state. The legis-

lature is to provide for the creation of a board of fifteen freeholders, to be appointed by the district judges of the judicial district in which the city or village is situated. Six months after its appointment, this board is to return to the mayor of such city or village a draft of the charter, signed by the members of the board or a majority thereof. The charter must then be submitted to the people at a special election.

In order, however, to maintain adequate control by the legislature over local administration, the clause furthermore provides that the legislature shall prescribe by law the general limits within which such a charter shall be framed. The important question here to be decided will be as to the interpretation of the term "general limits." Everything will depend upon the attitude of the supreme court of the state. It can practically nullify the entire constitutional provision by giving a broad interpretation to this term. A new feature of this amendment is the provision that the Board of Freeholders is to constitute a permanent body, and shall have the power of submitting amendments to the electors of the city. Their discretion is restricted by the provision of the constitution, that "it shall be a feature of all such charters that there shall be provided, among other things, for a mayor or chief magistrate, and a legislative body of either one or two houses; if of two houses, at least one of them shall be elected by general vote of the citizens." Up to the present time the constitutional provision has not been adopted by any city or village of the state.

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#### FOREIGN CITIES.

**London.**—The London County Council is actively pushing the movement for the purchase of the franchises of the water companies. It seems, however, that Parliament will not give the necessary authority. The Conservative Ministry is opposed to this extension of the functions of the Council, as well as to the additional expenditure which such purchase would necessitate. It is probable that Parliament will appoint another commission to make further inquiry into the subject, which will mean the postponement of the question for at least one session.

The purchase of the franchises of the tramway companies is also becoming a much-debated question in the Council. The "Progressive" element is prepared to go to almost any length in the extension of municipal functions, and would hail with delight the purchase of such franchises, together with direct municipal management of the street railway system.

## SOCIOLOGICAL NOTES.

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**Workingmen's Loan Association, Boston, Mass.\***—The Workingmen's Loan Association received its charter from the Commonwealth of Massachusetts on March 8, 1888, and was organized April 19 of the same year.

In Boston, as in all large cities, there were numerous money-lenders lending at exorbitant rates of interest upon chattel mortgage of furniture and of other personal property. The rates of interest charged by them varied from 3 per cent to 10 per cent per month. Under such rates of interest the borrower could seldom pay up the principal of his loan, and year after year he would go on paying a heavy interest and never lessening his debt,—often, in the end, to have all he possessed taken from him when the lender demanded his principal. There was no company or person affording the opportunity of borrowing on such security at reasonable rates. It was for the purpose of providing such an opportunity to people of moderate means to borrow upon easy terms that this company was formed.

It was designed that the company should transact a business, but a business conducted economically, at the very lowest rates that would yield a fair return to the capital invested in the enterprise.

The charge for interest was at the outset fixed at 1 per cent per month, and this rate has been constantly adhered to in all loans that the company has made on chattel mortgage, upon which almost all of the loans of the company are secured. The system was adopted of requiring with each payment of interest the payment of an instalment of the principal equal to about 5 per cent of the loan, thus encouraging the borrower to save and to pay off his loan.

Before the company was organized, Robert Treat Paine had caused to be conducted an experimental work, beginning on August 1, 1887. At the time when the company was organized the loans outstanding made by him amounted to the sum of \$10,778.89; and these loans were transferred by him to the company upon its beginning business, with a sufficient guaranty against loss.

The company began business with subscriptions to its capital promised to the amount of \$66,600, this amount was raised later in

\* Mr. Robert Treat Paine, 2d, the treasurer of the company, has kindly furnished the information in this note. The description of the work of the company is taken from a pamphlet published by the Massachusetts Board of Managers. World's Fair, 1893. Mr. Paine has revised this, and brought the statistics down to date for the *ANNALS*.

the year to \$78,200. The capital was called in gradually, and was loaned readily, borrowers eagerly seeking the advantages that were offered. The total number of loans increased until in March, 1889, less than a year from when the company began business, the whole capital was loaned.

The capital has been gradually increased until at the present time it amounts to \$100,000, all excepting \$900 of which has been paid in. In addition to this, the company uses \$35,000 borrowed at a low rate of interest. During the first year of its existence a dividend of 2 per cent was paid; in the second year 4 per cent was paid; and since that time regular dividends have been maintained at the rate of 6 per cent per annum.

These results were reached after providing for all losses, and in addition thereto an amount has been laid up and carried on the books in various funds amounting to about \$12,000 on October 1, 1896.

From year to year the business of the company and its financial results have shown a steady and satisfactory improvement. At the present time it has 2141 borrowers, to whom is loaned the total sum of \$146,988.11, making the average loan per borrower amount to about \$68. During the year just ending the results (the last ten days being estimated) are as follows: Loans made, \$133,343.37; loans repaid, \$118,032.48; number of loans made, 1450; interest received, \$15,931.98. In addition to other expenses, the company pays yearly taxes to the Commonwealth of Massachusetts upon its capital stock.

The results accomplished during these nine years have been encouraging. Loans have been repaid very fast, averaging about one year and a half in duration. The company has made approximately since its beginning to the end of the current year 9863 loans, amounting to \$935,178.14; and of these about \$782,552.68 have been paid off. Nothing could speak more strongly for the merits of the system than the speed with which borrowers have been able to pay off the principal of their debt. The charge for interest amounts to so little upon small loans as to be lightly felt, and a loan of the company seldom proves to be a heavy burden. Often illness or misfortune comes, when even an honest and industrious man cannot meet his payments. In such cases, wherever it is possible, the company relaxes its demands, and gives him time until his circumstances shall improve.

The relations of the company with its borrowers have generally been friendly. In most cases, the borrower's feeling is one of cordial appreciation of the efforts of the company to promote his welfare.

*Methods of Doing Business.*—As stated, the charge for interest is 1 per cent per month. An additional charge is made on the making of each loan, sufficient to cover all money expended in investigation

and recording the mortgage, and to give the company in ordinary cases \$1.65 for the time spent in appraisal and drawing papers. Nearly all of the loans of the company are made on the chattel mortgage of furniture and household effects.

These mortgages, in pursuance of the law, are recorded in the city or town hall where the borrower resides, and also in the city or town hall of the place where he principally does business. A few loans were made by the company in the beginning of its existence on pledges of jewelry; but this practice has been discontinued. Loans are occasionally made on insurance policies having a cash surrender value, on second mortgages of real estate, indorsed notes, stock and other securities.

Each applicant for a loan is questioned with great care. If the circumstances seem favorable for making the loan desired, he fills out a blank application, giving his present residence, previous residence, business, good references, and other desirable information, and leaves a deposit of thirty-five cents. An appraiser then goes to his abode, examines his security, and makes a schedule of the articles to be mortgaged, placing against each article the price that it would bring in a auction-room. A loan may be made to the amount of three-quarters of the total value so estimated; and this margin is, in almost all cases, required. The schedule, with the appraised values set upon each article by the appraiser, is entered by him on the back of the application, and filed in its proper place for future reference.

The borrower is required to show receipted bills for his furniture or to account satisfactorily for the absence of the same, in order to prove his ownership, and to show that, if bought on instalment, it is fully paid for. The records are then examined to ascertain if there is any existing mortgage on the property. In most cases, inquiry is made of the persons referred to or of other persons as to the character of the borrower. If the investigation proves the loan to be a desirable one, the borrower signs a mortgage and note for the amount borrowed, and receives the money less the expenses charged. Where the borrower is married, the signature of both husband and wife is required, and, generally, a general clause is inserted in the mortgage covering all furniture and household effects of every kind in his house.

Payments of the interest and instalments of the principal are made monthly, and receipts given for the same. In case of default for more than ten days, a notice is sent, with a charge of ten cents for the same, if it is the first notice. If the first notice proves futile, more imperative notices follow, for which a charge of twenty-five cents is made.

No investigation of the property mortgaged is made after the appraisal. The notices sent serve to inform the company of any change

of abode of the borrower, as in that case they are returned to the company by the post-office, and, by the attention that the borrower pays to these notices, a very good estimate can be made of the danger of losing the loan, and the measures of the company shaped accordingly. In nearly all cases, the deterioration of the property is more than made good by the monthly payments of principal made on each loan, so that a constant inspection is found not to be necessary.

The borrower's name is entered on a card, with his address, and on the back of the card there are entered in pencil the amount of interest and the date when it is due. The amount and the name of the month are changed from month to month, the interest growing less as the principal is paid off. These cards are so arranged as to show exactly what borrowers are delinquent at any time. They serve, therefore, as a convenient reminder of what loans are in arrears, and the amounts and date upon the back of the cards show exactly what interest is due and at what time.

The risk of the company from the danger of loss by fire of the goods mortgaged is met by requiring an insurance in its favor in the case of the larger loans. In the case of loans under \$100, a small yearly payment is made by the borrower instead of taking out an insurance policy. The receipts from this source are credited to a "Risk Fund." The company, however, has been careful not to assume the position of an insurer. The charge is fifty cents on loans under \$50 and \$1 on loans of from \$50 to \$100. Sometimes this system is extended to loans of from \$100 to \$200.

*Risks of the Business.*—The company has charged off since its organization as bad debts \$7,569.51, and has at present estimated bad debts amounting to \$1,444, a total of \$9,013.51. The amount of losses that it has suffered shows the risks to which lenders on such security are subject.

Many of the losses have occurred in the case of loans on other security than furniture mortgage; and experience has proved that the safest way of conducting such a business is to confine loans almost entirely to chattel mortgage of furniture and household effects. It has been found that furniture can be sold at auction quickly and easily. It generally brings the prices at which it is appraised. It is estimated that only one-quarter of the purchase price of the furniture is loaned upon it by the company. The loan is thus so small in comparison with the value of the furniture to the borrower that there is a strong incentive to pay the loan.

Loans on horses, carriages, boats, pictures, merchandise, stocks in trade, druggists' stores, and machinery, have been made by the company, and have generally proved unfortunate.



Loans are seldom made on furniture in storage, as the storage charges are a constantly increasing lien on the furniture, if their payment is neglected by the borrower. Loans are avoided to people of constantly changing residence or disreputable character; and to certain of the foreign races, especially where their residence in the city has been of short duration. Constant care is needed to protect the company against lending on goods encumbered by lease or mortgage.

With all the care that can be exercised, losses will occur; certain bad borrowers disappear with their furniture; it is found too late that the security is encumbered; furniture is destroyed or worn out or sold. These losses are one of the necessary expenses of the business, and only great vigilance upon the part of the officers of the company can keep them down to a moderate sum.

Many inquiries have been made of this company by men in other places who have been interested in its work, and have desired to found similar institutions elsewhere. It is hoped that the success of this company in Boston, during the nine years of its existence, may help to induce people in other cities to create similar companies to give working men and women facilities of borrowing money, at reasonable rates of interest, to meet their varying needs.

**Provident Loan Society of New York.**—The Second Annual Report of the society for the calendar year 1896 has just been printed. The society was organized to give aid on a strictly business basis by loans of money at one per cent a month, or one-third of the legal charge made by pawnbrokers on small loans for a short time. Considerable limitation is placed on the kind of goods on which money is loaned, as a rule restricted to jewelry and articles representing large value in small bulk. At first some bedding and furniture were taken but this has been discontinued because of lack of room. The report states that those who obtained loans from the society are rarely found on the records of charitable organizations but are persons accustomed to rely upon their own resources who apply to the society to tide over periods of sickness or lack of work. The work therefore is in the best sense preventive rather than charitable relief work. Loans are promptly repaid. Less than two and one-half per cent of the loans made in 1895 and 1896 remained unpaid at the close of the respective years in which they were made.

The society has a capital of \$136,000 on which six per cent interest has been paid, and after deducting all expenses, fixed charges and six per cent on contributed capital, \$10,697.03 was put aside as a reserve from the earnings of 1896: the gross earnings for the year after paying all expenses and fixed charges and after writing off twenty per cent on office fixtures were \$14,547.09 or about ten and three-fourths

per cent on the \$136,000 of paid up capital. The society can loan more money and proposes to increase its capital to \$200,000. 28,218 loans were made during the year averaging about \$20 each.

According to the law in New York parties engaging in pawnbroking are not allowed to sell unredeemed pledges over the counter but must sell the same at public auction. This necessitates greater conservatism in valuation of goods and in percentage of loan to appraised value. How well the society succeeded in this department of its work may be seen from the following statement in reference to auction sales in 1896. At two sales of jewelry 658 pledges were sold on which \$7,017.50 had been loaned; adding interest, commissions and expenses of sales these goods stood the society \$9,751.20 and the gross amount realized at the sales was \$9,583.30. There was a surplus on some articles, the total of which amounted to \$1,007.85 of which \$279.50 was paid back to original pledgers who called for it. The loss on those pledges which brought less than the amount loaned on them amounted to \$1,175.75. At a clothing sale 183 pledges were sold on which \$356.50 had been loaned; adding interest, commissions and expenses of sale these pledges amounted to \$500.07, and \$391.49 was realized at the sale. There was a surplus of \$29.79 on thirty-seven pledges and a loss of \$138.37 on 146 pledges.

**The Teaching of Sociology in the New York University.\***—The task of teaching sociology to undergraduates is beset with many difficulties. There are strong reasons in favor of postponing the subject to a graduate course; for without a proper grounding in history, both institutional and political, and in economics, the student can scarcely comprehend the principles of the new science, especially as they have been set forth in the works of Giddings, Ward, and the other recent writers; yet the New York University has tried the experiment of teaching this branch of study even in the sophomore year.

It was found that the presentation of the subject in its logical order—that is, beginning with the statement of general principles, and proceeding thence to the application of these principles to actual affairs—was not productive of good results with so young students; so the plan has been adopted of reversing the logical order, and presenting the concrete aspects of sociological problems first. The course begins with the study of practical social questions, such as the various problems of poverty, labor organizations, the problem of unskilled labor, socialistic legislation, the movement of population, etc.

The statistical method of investigation is pursued and Mayo-Smith's work on sociology and statistics has been found of great practical value in showing the sociological bearing of statistics and the general

\* Contributed by Frank Moore Colby.

laws discernible from a study of the birth-rate, marriage-rate, and death-rate, statistics of crime, suicide, immigration and emigration, etc.

In discussing practical questions and the remedies proposed for social evils, the effort is made to lead up to a point at which the student will see the absolute necessity of a working hypothesis—a theory of society as a whole—in order that one-sidedness may be avoided in attempts at reform. The object is to make the student feel that, as Arthur Fairbanks says in his recent “Introduction to the Study of Sociology,” the time has come when we need something more than vague wishes as the basis of sociological science. At this point an outline of the history of sociological theory is given, and the study of principles is begun. At present there is not time enough allotted to the subject to admit of an extensive course in sociological theory, as the subject is taught during only half of a college year.

The main value of this undergraduate course lies in its effect in stimulating the mind of the student to seek a theory of society. Moreover, it gives him a more definite and concrete idea of the province of sociology than he could obtain from a study of abstract principles. It is merely a pedagogical device, but promises to be useful as enabling the subject to be taught to younger classes than usually receive instruction in the universities. If it violates the logical order of the subject by beginning with so-called “applied sociology,” it has, at least, the advantage of presenting concrete facts to the student at first, and leading up to general principles when he has reached the point at which he sees that general principles are necessary. To launch an undergraduate on the study of sociological theories propounded by Spencer or by recent writers without such preliminary training, seems impracticable. He does not see the “use of it all” and is puzzled by the diversity of the doctrines.

If this were the only alternative, it would certainly be better to defer the subject to a post-graduate course. On the other hand, the study of isolated social problems gives the impression that sociology is a mere bundle of separate social sciences—not a distinct science in itself. The course outlined above is an attempt to avoid each of these results and to retain the subject as an undergraduate study. In the present state of the science an attempt to show the bearing of sociological theory upon “practical sociology” would be very ambitious. Still it is possible to make it clear from a study of practical questions that a theory is necessary and has a definite office to fulfill.

**Cultivation of Vacant Lots.**—Philadelphia has taken up the matter of cultivation of vacant lots, and is preparing to go at the work in a thorough and systematic way. The movement is finding abundant financial support, and the greatest difficulty seems to be to

secure sufficient suitable land. An energetic committee, of which Dr. Thomas S. K. Morton, 1506 Locust street, is chairman, has the plans for this season's work well under way. An interesting circular, giving a statement of the success of similar plans elsewhere, has been published. The following extracts give the most recent results obtained in Detroit and New York:

The plan of helping the unemployed to employ themselves through the cultivation of vacant city lots was conceived by Mayor Pingree, of Detroit, in 1894. Under his inspiration, a committee secured the loan of 430 acres of unused city property, and offered to the unemployed of Detroit an opportunity to raise produce for themselves on allotments, varying in size from one-quarter to one-half acre. The land was plowed, and seed and tools were furnished by the committee. Nine hundred and seventy-five families received plots of ground and cultivated them during the summer of 1894 under the direction of a competent superintendent. The committee expended \$3618, and produce valued at \$14,000 was raised by the vacant lot farmers during the first season. The success of the "Pingree Potato Patches," which for the expenditure of each dollar by the committee during the first year returned nearly four dollars in produce, has induced more than twenty other cities in the United States to adopt similar plans of relief through work. Among these cities are New York, Brooklyn, Boston, St. Louis, Cincinnati, St. Paul, Minneapolis and Seattle. Abroad, the London County Council has been experimenting with a similar system of allotments of cultivable land for the relief of poverty.

Detroit, the originator of the plan, has applied it during the past three seasons with increasing success, as the following table representing the results will show:

*Results of Vacant Lot Cultivation in Detroit.*

Year.	Amount Expended.	Value of Crops.	Acres under Cultivation.	Number of Families.	Net Profit.
1894	\$3,618 00	\$14,000 00	430	975	\$10,382 00
1895	4,875 35	27,792 00	455	1546	22,916 65
1896	2,400 00	30,993 00	421	1701	28,593 00

The great value of the work in Detroit was quickly recognized by that city, and in 1895 an appropriation of \$5000 was made from the public treasury for vacant lot cultivation. In 1896 the city made an appropriation of \$4000 for the same purpose. The committee claims that the operation of the plan has saved the municipality in the past three years more than \$60,000, which would otherwise have been

expended in direct relief. Of the results of its work the committee says in its report for 1895:

"The experiment has clearly demonstrated that many of the destitute are ready and willing to work, that a large number of these people can be supported by utilizing vacant land in the outskirts of the city, that robbery and trespassing, even upon unfenced land, are not a serious difficulty; that a small space of ground is sufficient to raise enough vegetables to support a family through the winter; that a majority of the citizens who own the vacant land would rather allow it to be cultivated by the poor than pay a large tax for their support; that the needy are thereby assisted, without creating the demoralization in the habits of the people that gratuitous aid always entails, and that much relief and real help may by this plan be afforded with small expense to charitable persons or to taxpayers."

In New York, where the plan has been in operation for the last two years, the results are eminently satisfactory. The following report of the superintendent, Mr. J. W. Kelgaard, is quoted to show the character and results of the work:

"The work of our farms began at all hours. Some of these people had some work or chance of work during the day and would come over and work on the farms in the afternoon or evening; others would come over early in the morning, before their regular work; others mornings and evenings; others had irregular days, just as they had the time to spare; others were there all the time. Those who were unable to secure any work, spent nearly the whole of their time on their farms. All of them seemed to be endued with wonderful earnestness. Ignorant as they were of farming and farm work, they made up by zeal for their lack of knowledge, and watched the tender shoots as they came from the ground with the glee of a child finding a new toy. Each plant received the care almost as though it were a child itself.

"The men who operated the farms were not of the class that are looking for charity; most of them were men who had once occupied good positions, but through force of circumstances had gotten among the rocks, did not know how to extricate themselves, and took hold of this as a new hope.

"An interesting feature of the Vacant Lot Farms was what we called the Co-operative Farm. This farm was conducted entirely by the planters of the other farms, the only difference being that on the Co-operative Farm they were to pay back all expenses and divide the remaining profits, the idea being not only to help these people but to find out if co-operative farming would pay. We started late in June with about forty men, some of them hale, strapping fellows. Six secured work shortly after and left. The older ones, the infirm and those who on account of their physical disabilities were not able to go out and secure positions, were left on our hands to carry on the co-operative work. Notwithstanding the fact that this class of labor was unable to do in three days what a good man would do in one, the Co-operative Farm, I am glad to say, was a success.

"Each man was very careful that no one trespassed on his lot, and was also very careful that every bit of space was fully utilized. It was intensive farming on the closest scale. One man, a stone cutter, with five days' hard work by himself and two daughters (making fifteen days in all), took from his lot \$120. Another, who lived in a large tenement house in New York, was an expert gardener and was given nearly four acres of land, moved over to the neighborhood of the farms, rented a small house, and made \$430. He and his wife spent their whole time on the land, and were always careful to have one crop succeed another."

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## INDEX OF NAMES.

ABBREVIATIONS.—In the Index the following abbreviations have been used : *pap.*, principal paper by the person named ; *com.*, briefer communication, by the person named ; *b.*, review of book of which the person named is the author ; *p. n.*, personal note on the person named ; *r.*, review by the person named.

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## SKETCH OF THE ACADEMY.

The American Academy of Political and Social Science was founded at a meeting held in Philadelphia, December 14, 1889. It was the outgrowth of the desire for an organization in which the widespread interest in political, economic and social discussion should find a focus. For it was felt by those who called the meeting that these interests should have an organ which could properly represent this wide group of sciences, and be at the same time an intermediary between scientific thought and practical effort. In many fields, earnest men and women were at work in various reform movements, without co-operation, and, above all, without the sympathy and support of those pursuing allied interests, whether in a practical or a theoretical way.

These considerations were laid before the preliminary meeting held in December, 1889, and led to the foundation of the American Academy of Political and Social Science. At that meeting, the Constitution of the Academy was adopted, officers elected and methods of work outlined. Soon after the foundation of the Academy, a proposition was received from the Philadelphia Social Science Association, looking to a merging of that organization with the newly formed Academy. This proposition was accepted, the members of the Philadelphia Social Science Association becoming members of the Academy, and the publications of the older association passing into its control. A record of the useful and honorable career of the Philadelphia Social Science Association was prepared by Mr. Joseph G. Rosengarten and published in the ANNALS for March, 1891.

With this nucleus for a membership, the Academy started under fair auspices, and the rapid growth which soon followed more than justified the hopes of its founders. With each increase in membership it has been possible to extend the scope and usefulness of the Academy's work. The record of activity since the foundation of the Academy has been one of constant growth and expansion. Through the active co-operation of its members and of scholars throughout the world, it has been able to pursue the aims of its founders with a degree of success

which is cause for congratulation. We stand, however, at the beginning of our work. Deep problems of varied character beset modern society, and the intelligent consideration of them demands an unremitting intellectual labor.

The object of the Academy, as stated in its constitution, is the promotion of the political and social sciences, in the comprehensive sense of those terms. It has sought to stimulate discussion through holding public meetings, and to foster scientific research through its publications. In both of these chief avenues of its activity it has been singularly successful.

The meetings of the Academy have been held at irregular intervals through the winter months in the city of Philadelphia. At the outset several papers were often read at each meeting, but experience has shown that unless the topics of the papers be related, and furnish the basis of a common discussion, this plan has its disadvantages. More recently each meeting has been devoted to a single topic which has been fruitful in stimulating discussion. In presenting a record of the meetings of the Academy, it has been found practicable to record only the principal speakers and the titles of their papers. Such a list shows the wide variety of topics which fall within the Academy's activity and their importance to the welfare of the community.

The meetings of the Academy have been as follows:

1. March 21, 1890.—Dr. Stuart Wood, "Theories of Wages."  
Prof. S. N. Patten, "Decay of Local and State Governments in the United States."
2. April 29, 1890.—Prof. F. H. Giddings, "Province of Sociology."  
Prof. E. J. James, "A New System of Passenger Fares."
3. November 13, 1890.—Prof. W. P. Holcomb, "Our National Bureau of Education."  
Prof. F. N. Thorpe, "Are the State Governments Decaying?"
4. December 12, 1890.—Prof. C. Stuart Patterson, "The Original Package Decision."
5. January 14, 1891.—Dr. John S. Billings, "Public Health and Municipal Government."
6. February 12, 1891.—Mr. F. W. Holls, "Compulsory Voting."
7. March 12, 1891.—Mr. F. B. Hawley, "Preliminaries to the Discussion of Socialism."

8. April 17, 1891.—Mr. E. R. Johnson, "River and Harbor Bills."
9. May 15, 1891.—Mr. E. P. Oberholtzer, "American Forms of the Referendum."  
Prof. S. N. Patten, "Economic Basis of Prohibition."
10. November 24, 1891.—Mr. F. P. Prichard, "The Study of Municipal Government."  
Mr. Lincoln L. Eyre, "The Relation of National Party to Municipal Government."  
Mr. William Draper Lewis, "The Political Organization of a Modern Municipality."
11. December 15, 1891.—Mr. D. I. Green, "Value as a Quality Instead of a Ratio."  
Mr. Charles Richardson, "Party Government."
12. January 26, 1892.—Dr. Charles De Garmo, "Ethical Training in the Public Schools."
13. February 26, 1892.—Mr. R. H. Dana, "The Practical Working of the Australian Voting System in Massachusetts."  
Mr. C. C. Binney, "Merits and Defects of the Pennsylvania Ballot Law of 1891."
14. April 5, 1892.—Prof. E. P. Cheyney, "A Third Revolution."  
Mr. L. K. Stein, "The Relation of the Street Railways to the City of Philadelphia."
15. May 13, 1892.—Mrs. S. L. Oberholtzer, "School Savings Banks."  
Mr. H. I. Smith, "Postal Savings Banks."
16. November 30, 1892.—Prof. F. H. Giddings, "The Ethics of Social Progress."
17. January 12, 1893.—Mr. Horace White, "National and State Banks."  
Hon. M. D. Harter, "American Banking and the Money Supply of the Future."  
Hon. J. H. Walker, "The Banking System Old and New."
18. February 23, 1893.—Dr. Isaac Sharpless, "The Relation of the State to Education in England and America."
19. April 27, 1893.—Prof. L. F. Ward, "The Political Ethics of Herbert Spencer."
20. November 17, 1893.—Prof. R. P. Falkner, "The Monetary Conference of 1892."
21. December 20, 1893.—Dr. L. S. Rowe, "Some Factors of Municipal Efficiency."

22. February 8, 1894.—President J. F. Crowell, "Co-operative Study of Political Ethics."
23. March 16, 1894.—Mr. E. L. Godkin, "Problems of Municipal Government."
24. April 20, 1894.—Dr. J. G. Brooks, "The Future Problem of Charity and the Unemployed."
25. May 11, 1894.—Mr. Edward Porritt, "Break-up of the Old System of Two Parties in the House of Commons."
26. October 25, 1894.—Dr. E. R. L. Gould, "The Liquor Problem and Its Scientific Treatment."
27. November 27, 1894.—Prof. S. N. Patten, "Teaching of Political Economy in the Public Schools."
28. January 30, 1895.—F. J. Stimson, Esq., "Uniform State Legislation on Subjects of Extra Territorial Effect."
29. March 7, 1895.—Prof. J. W. Jenks, "Proportional Representation."
30. November 13, 1895.—Prof. L. M. Keasbey, "Nicaragua Canal and the Monroe Doctrine."
31. December 18, 1895.—Dr. S. M. Lindsay, "Social Observation; or, the Modern City as a Laboratory."
32. January 22, 1896.—Prof. George Wharton Pepper, "The Methods of Legal Education."
33. February 27, 1896.—Mr. W. M. F. Round, "The Higher Economics of Penology; or, The Value of Reformatory Effort."
34. March 26, 1896.—Hon. Martin A. Knapp, "Railway Pooling, the Conditions Under Which It Could be Legalized."
35. April 22, 1896.—D. S. Remsen, Esq., "The Fusion of Political Parties, Australian Methods and Results."
36. November 20, 1896.—Prof. Roland P. Falkner, "The Organization of the Census."
37. December 18, 1896.—Prof. Nicholas Murray Butler, "The Administration of City Schools."
38. February 25, 1897.—Dr. Edward T. Devine, "The Shifting and Floating City Population."
39. March 26, 1897.—Prof. Sidney T. Sherwood, "The Philosophic Basis of Economics: A Word to the Sociologists."
40. April 21, 1897.—Prof. Edmund J. James, "Training for Citizenship."
41. April 22, 1897.—Mr. George E. Bartol, "Foreign Commerce and Its Relation to National Prosperity."

Prof. E. R. Johnson, "American Manufactures in Foreign Markets."

Hon. Robert Adams, Jr., "Opening of Foreign Markets to American Goods."

42. April 22, 1897.—Dr. Joseph H. Senner, "The Immigration Question."

43. April 22, 1897.—Hon. James H. Eckels, "The National Banking System."

The publications of the Academy have been issued under the title ANNALS of the American Academy of Political and Social Science, and the Supplements to the ANNALS. In the ANNALS there have appeared a large number of papers submitted to the Academy, which have been read and discussed at its meetings, as well as many read by title only. Thus, the fruitful and stimulating influence of the Academy upon scientific research has been brought to the knowledge of its members. It would be superfluous to name here all the important contributions which have been made to political and social science through the Academy, but a classification of subjects and authors may be a useful means of recording this feature of the Academy's work:

BANKING.—Henry Bacon, M. D. Harter, A. B. Hepburn, J. H. Walker, Horace White, H. W. Williams.

CONSTITUTIONAL HISTORY.—G. Arangio Ruiz, E. J. James, J. H. Robinson, R. Saleilles, F. N. Therpe, W. C. Webster.

CRIME.—R. P. Falkner, C. H. Reeve, C. D. Wright.

ECONOMIC THEORY.—E. Boehm-Bawerk, M. Block, J. B. Clark, W. Cunningham, D. I. Green, A. T. Hadley, J. A. Hobson, J. H. Hollander, A. Loria, D. M. Lowrey, C. W. Macfarlane, S. M. McVane, L. S. Merriam, S. N. Patten, E. A. Ross, G. Schmoller, William Smart, W. G. L. Taylor, C. A. Tuttle, L. Walras, F. v. Weiser, Stuart Wood.

EDUCATION.—E. W. Bemis, F. W. Blackmar, C. DeGarmo, S. N. Patten, D. G. Ritchie, Isaac Sharpless.

FINANCE.—E. L. Bogart, E. R. Buckley.

INDUSTRIAL PROBLEMS.—W. D. Dabney, S. B. Harding, D. Kinley, E. Levasseur.

INSTITUTIONAL HISTORY.—C. M. Andrews, W. J. Ashley, E. P. Cheyney.

INTERNATIONAL LAW.—A. S. Hershey, E. W. Huffcutt, E. L. Lord.

- JURISPRUDENCE.—F. G. Buckstaff, R. H. Curtis, C. A. Reed, F. J. Stimson, F. M. Taylor, C. G. Tiedeman.
- MONEY.—F. Fetter, W. Lotz, C. W. Macfarlane, G. Molesworth, Duc de Noailles, E. A. Ross, W. A. Scott, J. Allen Smith, T. Williams, A. B. Woodford.
- MUNICIPAL GOVERNMENT.—J. R. Commons, E. L. Godkin, W. D. Lewis, F. P. Prichard, C. Richardson.
- POLITICAL INSTITUTIONS.—C. Bornhak, J. G. Bourinot, G. Bradford, E. D. Durand, G. H. Haynes, E. J. James, J. Macy, A. D. Morse, B. Moses, S. N. Patten, E. Porritt, F. Snow, L. Waurin.
- POLITICAL REFORMS.—C. C. Binney, J. R. Commons, F. W. Holls, E. J. James, J. W. Jenks, E. P. Oberholtzer, D. S. Remsen.
- POLITICAL THEORY.—F. I. Herriott, D. G. Ritchie, E. V. Robinson, J. H. Robinson.
- SOCIAL QUESTIONS.—J. G. Brooks, C. H. Cooley, J. W. Davidson, E. T. Heyn, G. K. Holmes, S. M. Lindsay, J. Mayor, W. Milliet, S. L. Oberholtzer.
- SOCIOLOGY.—A. F. Bentley, G. A. Flamingo, F. H. Gliddings, H. H. Powers, W. D. Lewis, S. N. Patten, W. H. Schoff, G. Simmel, L. F. Ward.
- TAXATION.—T. N. Carver, R. T. Colburn, F. C. Howe, E. R. Johnson, E. A. Ross.
- TRANSPORTATION.—R. T. Colburn, J. P. Davis, E. R. Johnson, L. M. Keasbey, M. A. Knapp, J. W. Miller, H. T. Newcomb.
- UNCLASSIFIED.—C. Bornhak, J. L. Brownell, F. C. Clark, M. M. Dawson, E. T. Devine, H. S. Dudley, R. P. Falkner, D. M. Frederiksen, C. de Lestrade, M. A. Mikelsen, P. de Rousiers, L. S. Rowe, T. B. Veblen.

In addition to the publication of papers presented to the Academy, the editors have sought to make the *ANNALS* helpful to students of political and social science by furnishing as complete a record as possible of publications and events which have a bearing upon the development of those subjects. Particular attention has been devoted to the notice and review of books, a large part of each issue of the *ANNALS* being devoted to this object. In this record the varied interests of those who compose the Academy have been kept in view, and through it the cordial co-operation of scholars in all parts of the world has been en-



listed in the work of the Academy. As time has progressed, the editorial conduct of the ANNALS has been strengthened, and the co-operation of an increasing number of scholars has been obtained.

The Academy has been fortunate in preserving the continuity of editorial work, in connection with the ANNALS, and the record of its growth is a continuous one.

The first issue of the ANNALS was made in July, 1890. The Board of Editors consisted of Professor Edmund J. James, Editor-in-Chief, and Professors Franklin H. Giddings and Roland P. Falkner as Associate Editors. In the first instance, the ANNALS was issued as a quarterly. The success of the enterprise and the cordial support of scholars which was received, made it possible in the second volume, commencing with the number for July, 1891, to issue the ANNALS every other month. In the same year the list of editors was enlarged by the addition of the name of Professor James H. Robinson. With the close of the second volume of the ANNALS, Professor Franklin H. Giddings, who had accepted a position at Columbia University, resigned as Associate Editor.

Up to this time there had been no specific distribution of the editorial work, and the care of the Book Department, in particular, had been in the charge of Professors Falkner and Robinson. With the third volume, the first issue of which was in July, 1892, the Editorial Board consisted of Professor Edmund J. James, Editor-in-Chief, Professor Roland P. Falkner and James H. Robinson as Associate Editors. No change occurred in the Editorial Board until January, 1896. But, in the meantime, a somewhat different organization of the editorial work secured the co-operation of a number of other scholars. Thus, the Book Department in Volume III. was in charge of Professor Roland P. Falkner and Dr. Emory R. Johnson. With the issue of July, 1893, which began the fourth volume of the ANNALS, Dr. Emory R. Johnson took exclusive charge of the Book Department, and remained in charge of this work until January, 1896. With the third issue of the fifth volume (November, 1894), there was established in each number of the ANNALS a Department of Notes on Municipal Government, under the charge of Dr. L. S. Rowe, and with the issue of January, 1895, a Department of Sociological Notes, under the charge of Dr. S. M. Lindsay. These gentlemen have continued this work until the present time.

The bulk of the ANNALS continued to increase so that the bound volumes became too awkward to handle, and, in accordance with a desire expressed by many readers of the ANNALS, the yearly publications have been, from July, 1895, published as two volumes annually, each volume containing three numbers.\*

With the issue of January, 1896, a series of changes was made in the editorial conduct of the ANNALS. The removal of Professor James to Chicago made it impossible for him to retain the responsibilities of Editor-in-Chief, but it was the general desire that he should continue his editorial connection with the ANNALS. He became Associate Editor, while the editorship was filled by the promotion of Professor Roland P. Falkner. Professor Robinson had, in the meantime, been called to Columbia University, New York, and found it necessary to give up his work in the ANNALS. His place as Associate Editor was filled by the appointment of Professor Emory R. Johnson, who had long been connected with the Book Department of the ANNALS. This place being thus rendered vacant, it was filled by the appointment of Professor Henry R. Seager, who has had charge of the Book Department since January, 1896. No further change in the personnel of the editorial corps has taken place since January, 1896.

A distinctive feature of the work of the Academy has been the promotion of scientific research through the publication of longer monographs and articles. The editors have considered solely the scientific value of the material which has been presented to them, and have not hesitated to publish in the ANNALS itself articles whose length considerably exceeds that of the customary contribution to scientific periodicals. In addition to this there have been published from time to time, supplements devoted to various topics connected with the work of the Academy. An inspection of the list which has been published shows important contributions to statistics, economic history, transportation, constitutional law, and sociology. To the Academy is due the credit

\* The following statement shows in figures the growth of the publishing activity of the Academy:

1890-91	ANNALS,	754 pp.	Supplements,	363 pp.
1891-92	"	896 pp.		
1892-93	"	852 pp.	"	148 pp.
1893-94	"	1016 pp.	"	314 pp.
1894-95	"	1049 pp.	"	178 pp.
1895-96	"	1146 pp.	"	191 pp.
1896-97	"	1124 pp.	"	84 pp.

of having first published in the English language a systematic work upon the subject of statistics, and of having made accessible to students of political science the constitutional laws of European nations. Not less important have been the other contributions which have been published in this form. A list of such publications up to the present time, is as follows:

- 1891.—"Public Health and Municipal Government," by Dr. John S. Billings. Pp. 23.
- 1891.—"History, Theory and Technique of Statistics," by Prof. August Meitzen; translated by Prof. Roland P. Falkner. Pp. 243.
- 1893.—"Constitution of the United States of Colombia," translated with an Historical Introduction by Prof. Bernard Moses. Pp. 70.
- 1893.—"Constitutional and Organic Laws of France," translated with an Historical Introduction by Prof. C. F. A. Currier. Pp. 78.
- 1893.—"Inland Waterways: Their Relation to Transportation," by Prof. Emory R. Johnson. Pp. 164.
- 1894.—"History of Political Economy," by Prof. Gustav Cohn; translated by Dr. Joseph Adna Hill. Pp. 142.
- 1894.—"The Theory of Sociology," by Prof. Franklin H. Giddings. Pp. 80.
- 1894.—"Constitution of the Kingdom of Prussia," translated and supplied with an Introduction and Notes by Prof. James Harvey Robinson. Pp. 54.
- 1894.—"Constitution of the Kingdom of Italy," translated and supplied with an Introduction and Notes by Prof. S. M. Lindsay and Prof. L. S. Rowe. Pp. 44.
- 1896.—"The Theory of Social Forces," by Prof. Simon N. Patten. Pp. 151.
- 1896.—"Constitution of the Kingdom of Belgium," translated and supplied with an Introduction and Notes by Prof. John M. Vincent and Ada S. Vincent. Pp. 40.

In presenting this brief record of the work of the Academy, we are conscious that the work has been favored by the conservative policy which has retained experienced officers in their positions. Professor Edmund J. James was elected President of the Academy at its first meeting and continues to occupy that post. We may conclude our record with a summary statement of the officers of the Academy which shows a like continued service on

the part of Professor F. H. Giddings as Second Vice-President, Mr. Stuart Wood as Treasurer, and Professor John L. Stewart as Librarian.

President, Edmund J. James, 1890-

First Vice-President, Henry C. Lea, 1890-95.

Roland P. Falkner, 1896-

Second Vice-President, F. H. Giddings, 1890-

Third Vice-President, W. P. Holcomb, 1890-94.

Woodrow Wilson, 1895-

Corresponding Secretary, Roland P. Falkner, 1890-95.

Henry R. Seager, 1896-

Recording Secretary, George Henderson, 1890-92.

Clinton R. Woodruff, 1893-

General Secretary, Clinton R. Woodruff, 1890-92.

John Quincy Adams, 1894-

Treasurer, Stuart Wood, 1890-

Librarian, John L. Stewart, 1890-

CERTIFICATE OF INCORPORATION  
OF  
**The American Academy of Political and Social Science.**

BE IT KNOWN, That the subscribers, having associated themselves together for the purpose of promoting the progress of the political and social sciences, and being desirous of becoming incorporated agreeably to the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An Act to provide for the Incorporation and Regulation of certain Corporations," approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four, and its supplements, do hereby declare, set forth and certify that the following are the purposes, objects, articles and conditions of their said Association, for and upon which they desire to be incorporated:

I. The name of the Corporation shall be **THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE.**

II. The purpose for which the Corporation is formed is the promotion of the progress of the political and social sciences.

III. The place where the business of said Corporation is to be transacted is the city of Philadelphia.

IV. The Corporation is to exist perpetually.

V. The names and residences of the subscribers are as follows:

Henry Charles Lea, 2000 Walnut St., Philadelphia.

Stuart Wood, 1620 Locust St., Philadelphia.

Roland Post Falkner, 36 Tulpehocken St., Philadelphia.

Joseph G. Rosengarten, 1532 Chestnut St., Philadelphia.

Simon Nelson Patten, 221 DeKalb Square, Philadelphia.

Edmund Janes James, 3722 Locust St., Philadelphia.

VI. The Corporation is to be managed by a Board of Directors, consisting of nine members, and the names and residences of those chosen Directors for the first year are:

Edmund Janes James, 3722 Locust St., Philadelphia.

Franklin H. Giddings, Bryn Mawr, Pennsylvania.

Roland Post Falkner, 36 Tulpehocken St., Philadelphia.

George Henderson, 1420 Master St., Philadelphia.

Henry Charles Lea, 2000 Walnut St., Philadelphia.

William Penn Holcomb, Swarthmore, Pennsylvania.

Clinton Rogers Woodruff, 822 Windsor Square, Phila.

Stuart Wood, 1620 Locust St., Philadelphia.

John Lamme Stewart, 1826 Dickinson St., Philadelphia.

VII. The clear yearly value of the property to be held by the Corporation will not exceed the sum of thirty thousand dollars.

Witness our hands and seals this fourteenth day of February, Anno Domini one thousand eight hundred and ninety-one (1891).

STUART WOOD,

HENRY C. LEA,

ROLAND POST FALKNER,

JOSEPH G. ROSENGARTEN,

SIMON N. PATTEN,

EDMUND J. JAMES.

Commonwealth of Pennsylvania, }  
County of Philadelphia. } ss.

Before me, the subscriber, Recorder of Deeds of the County of Philadelphia, personally appeared Roland Post Falkner, Simon N. Patten and Edmund J. James, three of the subscribers of the above and foregoing Certificate of Incorporation of the American Academy of Political and Social Science, and in due form of law acknowledged the same to be their act and deed.

Witness my hand and official seal this fourteenth day of February, Anno Domini 1891.

JOS. K. FLETCHER,  
Deputy Recorder.

#### DECREE.

In the Court of Common Pleas No. 3 of Philadelphia County, of March Term, 1891. No. 314.

And now, this fourth day of April, A. D. 1891, the above Certificate of Incorporation having been presented to me, a Law

Judge of said County, accompanied by due proof of publication of the notice of this application as required by the Act of Assembly and rule of this Court in such case made and provided, I certify that I have examined and perused the said writing, and have found the same to be in proper form and within the purposes named in the first class specified in Section Second of the Act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An Act to provide for the Incorporation and Regulation of certain Corporations," approved April 29, 1874, and the supplements thereto, and the same appearing to be lawful and not injurious to the community, I do hereby, on motion of C. Stuart Patterson on behalf of petitioners, order and direct that the said Certificate of Incorporation or charter of THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE aforesaid be, and the same is hereby approved, and that upon the recording of the same and of this order the subscribers thereto and their associates shall be a corporation by the name of "THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE," for the purposes and upon the terms therein stated.

HENRY REED.

[SEAL]

Recorded in the office for recording deeds in and for the County of Philadelphia, in Charter Book 17, page 123.

Witness my hand and seal of office this fourth day of April, Anno Domini 1891.

THOMAS GREEN,

Recorder of Deeds.

# The American Academy of Political and Social Science.

## CONSTITUTION.

### ART. I.

#### *Name.*

This Association shall be known as The American Academy of Political and Social Science.

### ART. II.

#### *Object.*

The object of the Academy is the promotion of the political and social sciences in the comprehensive sense of those terms.

With no intention of excluding other suitable means, the following methods may be enumerated as of special importance in furthering the ends of the Society:

1. Accumulation of a library of works pertaining to the subjects cultivated by the Academy, and, in general, the provision of facilities for research.

2. Encouragement of investigation by the offering of prizes for specified contributions to science, and by extending pecuniary aid in suitable cases to students and investigators.

3. Publication of valuable papers and reports presented to the Academy either by members or others.

4. Regular meetings for the presentation and discussion of papers and other contributions to political and social science.

5. Dissemination of political and economic knowledge throughout the community by the establishment of public lecture courses in political and social science, and by such other means as may from time to time seem expedient.

### ART. III.

The Academy shall consist of a Council and members, the former to be chosen from the latter.

### ART. IV.

Any person may become a member of the Academy who, having been proposed by a member, shall be approved by the Council.

The fees of the members shall be fixed by the Council.



The Council may, by a majority vote of all members, create new forms of membership at discretion.

Members shall be entitled to receive the regular reports of the proceedings of the Academy; and to such other privileges as the Constitution and By-Laws of the Academy may confer upon them.

#### ART. V.

##### *The Council.*

The Council shall consist of at least ten members, chosen in the first instance by the Academy. It shall be authorized to enlarge its number at pleasure, and to fill all vacancies: provided that no person shall be chosen a Councilor who is not known to be actively interested in the promotion of some phase of political or social science, either in a theoretical or practical way: and provided further, that at least one-fifth of the Council shall be renewed each year, retiring members being re-eligible indefinitely.

To the Council shall be committed the control and management of the business and interests of the Academy, subject only to the restrictions of this Constitution. It shall choose its own officers and committees, determining their number and functions, such officers and committees being *ex-officio* the officers and committees of the Academy.

The Council shall make each year a report of its proceedings to the Academy, and may request the co-operation of members and others in the work of the Academy.

The Council shall be authorized to make all necessary rules and regulations for the conduct of the Academy, not in conflict with this instrument.

Any member or Councilor may be struck from the list if more than three months in arrear for the annual fee or other fees levied by the Academy: provided that at least two notices shall have been sent that such fee or fees are due.

Any Councilor may be expelled from the Academy by a majority vote of all members of the Council: provided that printed notice be given to each member at least one month beforehand of intention to make such motion.

#### ART. VI.

##### *Amendments.*

Amendments to this Constitution may be made when proposed by a majority of all the Councilors and approved by a majority

of all the members present at any regular meeting: provided that the number present shall be at least one-tenth of all the members; and provided further that a notice of such proposed amendment shall have been given at the preceding regular meeting, and a printed copy sent to each member at least one month before such voting.

#### BY-LAWS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE.

1. The officers of the Council shall be a President, three Vice-Presidents, three Secretaries—entitled respectively Recording, Corresponding and General—a Treasurer and a Librarian.

2. They shall be chosen for one year, and hold office until their successors are duly qualified.

3. Their duties shall be such as are usually assigned to such officers, subject to qualification and definition by the Council.

4. The officers of the Council, together with such members as may be chosen by the Council for one year, shall constitute an Executive Committee, with such powers as may be entrusted to it by the Council.

5. No money shall be drawn from the treasury except on order of the Executive Committee or Council, countersigned by the Recording Secretary, who shall keep a list of such orders, their date, amounts and payees.

6. Changes may be made in these By-Laws at any regular meeting of the Council by a majority of those present.

7. Any one may become a life member by the payment of \$100 at one time; and a patron by the payment of \$500 at one time; and both life members and patrons shall be exempt from the payment of annual fees, and shall be entitled to all the privileges of members.

8. Seven members of the Council shall constitute a quorum at any regular meeting of the Council.

## OFFICERS.

### *President,*

EDMUND J. JAMES, PH. D., University of Chicago.

### *Vice-Presidents,*

PROF. ROLAND P. FALKNER, PH. D.,  
University of Pennsylvania.

PROF. F. H. GIDDINGS, A. M.,  
Columbia University.

PROF. WOODROW WILSON, PH. D.,  
Princeton University.

### *Secretaries.*

#### *Corresponding Sec'y,*

H. R. SEAGER, PH. D.,  
3705 Locust Street.

#### *General Secretary,*

JOHN QUINCY ADAMS, PH. D.,  
3705 Locust Street.

#### *Recording Sec'y,*

CLINTON ROGERS WOODRUFF,  
514 Walnut Street.

#### *Treasurer,*

STUART WOOD,  
400 Chestnut Street.

#### *Librarian,*

JOHN L. STEWART,  
Manual Training School.

---

## GENERAL ADVISORY COMMITTEE.

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Dublin University.

PROF. F. W. BLACKMAR,  
University of Kansas.

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Ottawa, Canada.

PROF. J. W. BURGESS,  
Columbia University.

PROF. R. T. ELY,  
Wisconsin University.

PROF. HENRY W. FARNAM,  
Yale University.

PROF. W. W. FOLWELL,  
University of Minnesota.

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Washington, D. C.

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Trinity College, Dublin.

PROF. J. W. JENKS,  
Cornell University.

DR. WM. PRESTON JOHNSTON,  
President of Tulane University.

VERY REV. JOHN J. KEANE, D. D.,  
Rome, Italy.

PROF. BERNARD MOSES,  
University of California.

PROF. J. S. NICHOLSON, M. A.,  
Edinburgh University.

DR. HENRY WADE ROGERS,  
President Northwestern University.

PROF. HENRY SIDGWICK,  
Cambridge University.

PROF. WILLIAM SMART,  
Queen Margaret College, Glasgow.

SIMON STERNE, Esq.,  
New York City.

HON. HANNIS TAYLOR, LL. D.,  
Madrid, Spain.

PROF. J. B. THAYER,  
Harvard Law School.

PROF. LESTER F. WARD,  
Washington, D. C.

## COUNCIL.

Term of office expiring December 31, 1897:

BASTABLE, Professor C. F., Trinity College, Dublin, Ireland.

BOYER, Hon. HENRY K., Philadelphia.

FARNAM, Professor HENRY W., Yale University.

GODKIN, EDWIN L., Esq., New York City.

JOHNSON, Professor JOSEPH FRENCH, University of Pennsylvania.

LEWIS, Professor WILLIAM DRAPER, Dean of University of Pennsylvania Law School.

ROSENGARTEN, JOSEPH G., Esq., Philadelphia.

ROWE, Professor LEO S., University of Pennsylvania.

SMART, Professor WILLIAM, Queen Margaret College, Glasgow.

WRIGHT, Hon. CARROLL D., Washington.

WOODRUFF, Hon. CLINTON ROGERS, Philadelphia.

Term of office expiring December 31, 1898:

ADAMS, Professor JOHN QUINCY, University of Pennsylvania.

COMAN, Professor KATHERINE, Wellesley College.

EATON, DORMAN B., Esq., New York City.

GLADDEN, Rev. WASHINGTON, Columbus, Ohio.

JAMES, Professor EDMUND J., University of Chicago.

MORRIS, Professor MARTIN F., Washington, D. C.

NICHOLSON, Professor J. SHIELD, University of Edinburgh.

PATTEN, Professor SIMON N., University of Pennsylvania.

SIDGWICK, Professor HENRY, Cambridge University.

SPEIRS, Professor F. W., Drexel Institute.

STEWART, Professor JOHN L., Philadelphia.

WHITE, Hon. HORACE, New York City.

WOOD, STUART, Esq., Philadelphia.

Term of office expiring December 31, 1899:

ATHERTON, Dr. GEORGE W., President of Pennsylvania State College.

BRECKENRIDGE, Professor R. M., Haverford College.

CONRAD, Dr. V. L., Philadelphia.

DANIELS, Professor WINTHROP M., Princeton University.  
DEVINE, Dr. EDWARD T., New York City.  
HILL, Dr. DAVID J., President of Rochester University.  
KEASBEY, Professor L. M., Bryn Mawr College.  
KINLEY, Professor DAVID, University of Illinois.  
LOWELL, A. LAWRENCE, Esq., Boston.  
McNULTY, Professor J. J., College of the City of New York.  
MERCER, GEORGE G., Esq., Philadelphia.  
SCOTT, Professor WILLIAM A., University of Wisconsin.  
TAYLOR, Professor W. G. L., University of Nebraska.  
WILSON, Hon. WILLIAM, President of Washington and Lee University.

Term of office expiring December 31, 1900:

BEARD, Dr. J. N., San Francisco.  
DE BOW, Rev. R. S., Philadelphia.  
FALKNER, Professor ROLAND P., University of Pennsylvania.  
GOULD, Dr. E. R. L., New York City.  
GRAY, Dr. JOHN, President of Northwestern University.  
INGRAM, Professor JOHN K., Trinity College, Dublin.  
JOHNSON, Professor EMORY R., University of Pennsylvania.  
LINDSAY, Professor S. M., University of Pennsylvania.  
MACFARLANE, Dr. C. W., Philadelphia.  
MAINS, Professor W. C., Ursinus College.  
MAYO-SMITH, Professor RICHMOND, Columbia University.  
MORSE, Professor ANSON D., Amherst College.  
YAGER, Professor ARTHUR, Georgetown, Ky.  
YOUNG, Dr. JAMES T., University of Pennsylvania.

Term of office expiring December 31, 1901:

BAKER, Dr. HENRY B., Lansing, Mich.  
BROOKS, Dr. JOHN GRAHAM, Cambridge, Mass.  
CROWELL, Professor JOHN F., Smith College.  
GARRISON, Professor GEORGE P., University of Texas.  
GIDDINGS, Professor FRANKLIN H., Columbia University.  
GILES, WILLIAM A., Esq., Chicago.  
HALSEY, Professor J. J., Lake Forest University.  
HENDERSON, GEORGE, Esq., Philadelphia.  
HULL, Professor WILLIAM I., Swarthmore College.

LEA, HENRY C., Esq., Philadelphia.

RIGHTER, WILMER H., Esq., Philadelphia.

ROBINSON, Professor JAMES HARVEY, Columbia University.

SALMON, Professor LUCY M., Vassar College.

SHERWOOD, Professor SIDNEY T., Johns Hopkins University.

## ALPHABETICAL LIST OF MEMBERS AND SUBSCRIBERS.

[\*Life Members.]

- ABBOT, Mrs. GRIFFITH E., 2811 Fourteenth St. N. W., Washington, D. C.
- ABBOTT, Rev. LYMAN, 56 Willow St., Brooklyn, N. Y.
- ABERNETHY, President R. L., Rutherford College, Burke Co., N. C.
- ACKER, FINLEY, 123 North Eighth St., Philadelphia.
- ADAMS, Professor JOHN QUINCY, University of Pennsylvania, Philadelphia.
- ADAMSON, CHARLES B., 730 Market St., Philadelphia.
- ADDICKS, J. EDWARD, Harrison Building, Fifteenth and Market Sts., Philadelphia.
- ADELBERT COLLEGE LIBRARY, Cleveland, Ohio.
- ADICKES, Oberbürgermeister, Frankfurt, Germany.
- ADIE, R. HALIBURTON, 3 Richmond Road, Cambridge, England.
- AGAR, JOHN G., 20 Nassau St., New York City.
- AGUILAR FREE LIBRARY, 197 East Broadway, New York City.
- ALBION COLLEGE LIBRARY, Albion, Mich.
- ALBRIGHT, J. J., 730 Ferry St., Buffalo, N. Y.
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